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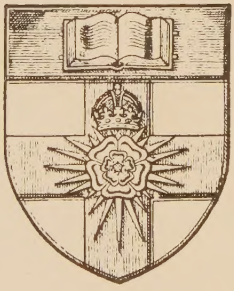

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HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

21° VICTORIÆ, 1857.

VOL. CXLVIII.

COMPRISING THE PERIOD FROM

THE THIRD DAY OF DECEMBER, 1857,

TO

THE TWENTY-SECOND DAY OF FEBRUARY, 1858,

First Volume of Session 1857-8.

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Thursday, December 3.

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Oldham.—William Johnson Fox, esq., *v.* James Platt, esq., deceased.

Monday, December 7.

Tavistock.—Arthur John Edward Russell, esq., *v.* Hon. George Henry Charles Byng, Manor of Northstead.

Thursday, December 10.

Thetford.—Alexander Hugh Baring, esq., *v.* Hon. Francis Baring, Chiltern Hundreds.

Friday, December 11.

Harwich.—Robert John Bagshaw, esq., *v.* Major George Drought Warburton, deceased.

Kent (*Eastern Division*).—William Deedes, esq., *v.* Sir Edward Cholmeley Dering, bart., Manor of Northstead.

Thursday, February 4, 1858.

Buckinghamshire.—William George Cavendish, esq., *v.* The Hon. Charles Compton Cavendish, Manor of Northstead.

Elgin, District of Burghs.—Mountstuart Grant Duff, esq., *v.* George Skene Duff, esq.

Whitehaven.—George Lyall, esq., *v.* Robert Charles Hildyard, esq., deceased.

Scarborough.—John Dent Dent, esq., *v.* the Earl of Mulgrave, Manor of Hempholme.

Ashton-under-Lyne.—Right Hon. Thomas Milner Gibson, *v.* Charles Hindley, esq., deceased.

Friday, February 5.

Northampton County (*Northern Division*).—George Ward Hunt, esq., *v.* Augustus Stafford O'Brien Stafford, esq., deceased.

Monday, February 8.

Reigate.—Sir Henry Creswicke Rawlinson, *v.* William Hackblock, esq., deceased.

Mayo.—Lord John Thomas Browne, *v.* George Henry Moore—Void Election.

Tuesday, February 9.

Birmingham.—John Bright, esq., being one of the People called Quakers, made the affirmation required by law, *v.* George Frederick Muntz, esq., deceased.

Monday, February 15.

Paisley.—Humphrey Ewing Crum Ewing, esq., *v.* Archibald Hastie, esq., deceased.

Thursday, February 18.

Limerick.—George Gavin, esq., *v.* James O'Brien, esq., one of the Justices of the Court of Queen's Bench in Ireland.

THE MINISTRY.

THE CABINET.

First Lord of the Treasury	Right Hon. Viscount PALMERSTON.
Lord Chancellor	Right Hon. Lord CRANWORTH.
President of the Council	Right Hon. Earl GRANVILLE.
Lord Privy Seal	Most Hon. Marquess of CLANRICARDE.
Home Secretary	Right Hon. Sir GEORGE GREY, Bt.
Foreign Secretary	Right Hon. Earl of CLARENDON.
Colonial Secretary	Right Hon. HENRY LABOUCHERE.
War Secretary	Right Hon. Lord PANMURE.
Chancellor of the Exchequer	Right Hon. Sir GEORGE CORNEWALL LEWIS.
First Lord of the Admiralty	Right Hon. Sir CHARLES WOOD, Bt.
President of the Board of Control	Right Hon. ROBERT VERNON SMITH.
President of the Board of Trade	Right Hon. Lord STANLEY of ALDERLEY.
Chancellor of the Duchy of Lancaster	Right Hon. MATTHEW TALBOT BAINES.
Postmaster General	His Grace the Duke of ARGYLL.
	Most Hon. Marquess of LANSDOWNE.

NOT IN THE CABINET.

General Commanding-in-Chief	H.R.H. the Duke of CAMBRIDGE.
Paymaster of the Forces and Vice-President of the Board of Trade	Right Hon. ROBERT LOWE.
First Commissioner of Works and Public Buildings	Right Hon. Sir BENJAMIN HALL, Bt.
Chief Commissioner of the Poor Law	Right Hon. EDWARD PLEYDELL BOUVERIE.
President of the Board of Health	Right Hon. WILLIAM MONSELL.
Vice President of the Committee of Privy Council for Education	Right Hon. WILLIAM FRANCIS COWPER.
Lords of the Treasury	Right Hon. Viscount MONCK, Viscount DUNCAN, and Hon. HENRY BOUVERIE WILLIAM BRAND.
Lords of the Admiralty	Rear Admiral the Hon. Sir RICHARD SAUNDERS DUNDAS, K.C.B., Rear Admiral HENRY EDEN, Rear Admiral ALEXANDER MILNE, and Captain the Hon. FREDERICK THOMAS PELHAM, C.B., and THOMAS GEORGE BARING, Esq.
Joint Secretaries of the Treasury	Right Hon. WILLIAM GOODENOUGH HAYTER and JAMES WILSON, Esq.
Secretary of the Admiralty	RALPH BERNAL OSBORNE, Esq.
Secretary of the Board of Control	HENRY DANBY SEYMOUR, Esq.
Secretary to the Poor Law Commissioners	CHARLES LENNOX GRENVILLE BERKELEY, Esq.
Under Secretary for the Home Department	WILLIAM NATHANIEL MASSEY, Esq.
Under Secretary for Foreign Affairs	Right Hon. Earl of SHELBURNE.
Under Secretary for the Colonies	CHICHESTER SAMUEL FORTESCUE, Esq.
Under Secretary for War	Sir JOHN WILLIAM RAMSDEN, Bt.
Attorney General	Sir RICHARD BETHELL, Knt.
Solicitor General	Sir HENRY SINGER KEATING, Knt.
Judge-Advocate General	Right Hon. CHARLES PELHAM VILLIERS.

SCOTLAND.

Lord Advocate	Right Hon. JAMES MONCREIFF.
Solicitor General	EDWARD FRANCIS MAITLAND, Esq.

IRELAND.

Lord Lieutenant	Right Hon. Earl of CARLISLE.
Lord Chancellor	Right Hon. MAZIERE BRADY.
Chief Secretary	Right Hon. HENRY ARTHUR HERBERT.
Attorney General	Right Hon. JOHN DAVID FITZGERALD.
Solicitor General	HENRY GEORGE HUGHES.

QUEEN'S HOUSEHOLD.

Lord Steward	Right Hon. Earl of ST. GERMANS.
Lord Chamberlain	Most Hon. Marquess of BREADALBANE.
Master of the Horse	His Grace the Duke of WELLINGTON.
Master of the Buckhounds	Right Hon. Earl of BESSBOROUGH.
Vice-Chamberlain of the Household	Right Hon. Lord ERNEST AUGUSTUS CHARLES BRUDENELL BRUCE.
Treasurer of the Household	Right Hon. Earl of MULGRAVE.
Controller of the Household	Right Hon. Viscount CASTLEROSSE.
Captain of the Corps of Gentlemen at Arms	Right Hon. Lord FOLEY.
Captain of the Yeomen of the Guard	Right Hon. Viscount SYDNEY.
Chief Equerry and Clerk Marshal	Lord ALFRED HENRY PAGET
Mistress of the Robes	Duchess of SUTHERLAND.

ROLL OF THE

LORDS SPIRITUAL AND TEMPORAL

In the Second Session of the Seventeenth Parliament of the United Kingdom of Great Britain and Ireland.

21 VICTORIÆ, 1857.

Mem.—*According to the Usage of Parliament, when the House appoints a Select Committee, the Lords appointed to serve upon it are named in the Order of their Rank, beginning with the Highest, and so, when the House sends a Committee to a Conference with the Commons, the Lord Highest in Rank is called first, and the rest go forth in like Order: But when the Whole House is called over for any Purpose within the House, or for the Purpose of proceeding forth to Westminster Hall, or upon any public Solemnity, the Call begins invariably with the Junior Baron.*

His Royal Highness The Prince of Wales.

His Royal Highness George Frederick Alexander Charles Ernest Augustus Duke of Cumberland and Teviotdale. (*King of Hanover.*)

His Royal Highness George William Frederick Charles Duke of Cambridge.

John Bird Archbishop of Canterbury.

Robert Monsey Lord Cranworth, *Lord Chancellor.*

Thomas Archbishop of York.

Richard Archbishop of Dublin.

Granville George Earl Granville, *Lord President of the Council.*

Dudley Earl of Harrowby, *Lord Privy Seal.*

Henry Granville Duke of Norfolk, *Earl Marshal of England.*

Edward Adolphus Duke of Somerset.

Charles Duke of Richmond.

Henry Duke of Grafton.

Henry Charles Fitzroy Duke of Beaufort.

William Amelius Aubrey de Vere Duke of Saint Albans.

Francis Godolphin D'Arcy Duke of Leeds.

Francis Duke of Bedford.

William Spencer Duke of Devonshire.

John Winston Duke of Marlborough.

Charles Cecil John Duke of Rutland.

William Alexander Anthony Archibald Duke of Brandon. (*Duke of Hamilton*).

William John Duke of Portland.

William Drogo Duke of Manchester.

Henry Pelham Duke of Newcastle.

Algernon Duke of Northumberland.

Arthur Richard Duke of Wellington.

Richard Plantagenet Duke of Buckingham and Chandos.

George Granville Duke of Sutherland.

Henry Duke of Cleveland.

John Marquess of Breadalbane, *Lord Chamberlain of the Household.*

John Marquess of Winchester.

George Marquess of Tweeddale. (*Elected for Scotland.*)

Henry Marquess of Lansdowne.

John Marquess Townshend.

JAMES BROWNLOW WILLIAM Marquess of SALISBURY.

JOHN ALEXANDER Marquess of BATH.

JAMES Marquess of ABERCORN.

RICHARD Marquess of HERTFORD.

JOHN PATRICK Marquess of BUTE.

BROWNLOW Marquess of EXETER.

CHARLES Marquess of NORTHAMPTON.

GEORGE CHARLES Marquess CAMDEN.

HENRY Marquess of ANGLESEY.

GEORGE HORATIO Marquess of CHOLMONDELEY.

HENRY WEYSFORD CHARLES PLANTAGENET Marquess of HASTINGS.

GEORGE WILLIAM FREDERICK Marquess of AILESBURY.

GEORGE THOMAS JOHN Marquess of WESTMEATH. (*Elected for Ireland.*)

FREDERICK WILLIAM Marquess of BRISTOL.

ARCHIBALD Marquess of AILSA.

JOHN Marquess of BREADALBANE. (*In another place as Lord Chamberlain of the Household.*)

RICHARD Marquess of WESTMINSTER.

CONSTANTINE HENRY Marquess of NORMANBY.

JAMES ANDREW Marquess of DALHOUSIE.

EDWARD GRANVILLE Earl of SAINT GERMANS, *Lord Steward of the Household.*

——— Earl of SHREWSBURY.

EDWARD GEOFFREY Earl of DERBY.

FRANCIS THEOPHILUS HENRY Earl of HUNTINGDON.

ROBERT HENRY Earl of PEMBROKE and MONTGOMERY.

WILLIAM Earl of DEVON.

CHARLES JOHN Earl of SUFFOLK and BERKSHIRE.

WILLIAM BASIL PERCY Earl of DENBIGH.

JOHN Earl of WESTMORLAND.

GEORGE AUGUSTUS FREDERICK ALBEMARLE Earl of LINDSEY.

GEORGE HARRY Earl of STAMFORD and WARRINGTON.

GEORGE WILLIAM Earl of WINCHILSEA and NOTTINGHAM.

GEORGE Earl of CHESTERFIELD.

JOHN WILLIAM Earl of SANDWICH.

ARTHUR ALGERNON Earl of ESSEX.

JAMES THOMAS Earl of CARDIGAN.

GEORGE WILLIAM FREDERICK Earl of CARLISLE.

WALTER FRANCIS Earl of DONCASTER (*Duke of Buccleuch and Queensberry.*)

ANTHONY Earl of SHAFTESBURY.

——— Earl of BERKELEY.

MONTAGU Earl of ABINGDON.

RICHARD GEORGE Earl of SCARBROUGH.

GEORGE THOMAS Earl of ALBEMARLE.

GEORGE WILLIAM Earl of COVENTRY.

GEORGE Earl of JERSEY.

JOHN Earl POULETT.

GEORGE SHOLTO Earl of MORTON. (*Elected for Scotland.*)

COSPATRICK ALEXANDER Earl of HOME. (*Elected for Scotland.*)

THOMAS GEORGE Earl of STRATHMORE. (*Elected for Scotland.*)

DAVID GRAHAM DRUMMOND Earl of AIRLIE. (*Elected for Scotland.*)

DAVID Earl of LEVEN and MELVILLE. (*Elected for Scotland.*)

DUNBAR JAMES Earl of SELKIRK. (*Elected for Scotland.*)

THOMAS JOHN Earl of ORKNEY. (*Elected for Scotland.*)

JOHN CHARLES Earl of SEAFIELD. (*Elected for Scotland.*)

WASHINGTON SEWALLIS Earl FERRERS.

WILLIAM WALTER Earl of DARTMOUTH.

CHARLES AUGUSTUS Earl of TANKERVILLE.

HENEAGE Earl of AYLESFORD.

FRANCIS THOMAS DE GREY Earl COWPER.

PHILIP HENRY Earl STANHOPE.

ROBERT Earl of HARBOROUGH.

THOMAS AUGUSTUS WOLSTENHOLME Earl of MACCLESFIELD.

GEORGE WILLIAM RICHARD Earl of POMFRET.

JAMES Earl GRAHAM. (*Duke of Montrose.*)

WILLIAM Earl WALDEGRAVE.

BERTRAM Earl of ASHBURNHAM.

LEICESTER FITZGERALD CHARLES Earl of HARRINGTON.

ISAAC NEWTON Earl of PORTSMOUTH.

GEORGE GUY Earl BROOKE and Earl of WARWICK.

AUGUSTUS EDWARD Earl of BUCKINGHAMSHIRE.

WILLIAM THOMAS SPENCER Earl FITZWILLIAM.

FRANCIS Earl of GUILFORD.

CHARLES PHILIP Earl of HARDWICKE.

HENRY STEPHEN Earl of ILCHESTER.

George John Earl De La Warr.

William Earl of Radnor.

Frederick Earl Spencer.

Henry George Earl Bathurst.

Arthur Wills Blundell Sandys Trumbull Windsor Earl of Hillsborough. (*Marquess of Downshire.*)

George William Frederick Earl of Clarendon.

William David Earl of Mansfield.

William Earl of Abergavenny.

Henry John Earl Talbot.

George Augustus Frederick John Earl Strange. (*Duke of Athol.*)

Ernest Augustus Earl of Mount Edgcumbe.

Hugh Earl Fortescue.

George Earl of Beverley.

Henry Howard Molyneux Earl of Carnarvon.

George Earl Cadogan.

James Howard Earl of Malmesbury.

George John Danvers Earl of Lanesborough. (*Elected for Ireland.*)

Francis William Earl of Charlemont. (*In another place as Lord Charlemont.*) (*Elected for Ireland.*)

Stephen Earl of Mount Cashell. (*Elected for Ireland.*)

Henry John Reuben Earl of Portarlington. (*Elected for Ireland.*)

Robert Earl of Mayo. (*Elected for Ireland*).

John Earl of Erne. (*Elected for Ireland.*)

John Otway O'Connor Earl of Desart. (*Elected for Ireland.*)

William Earl of Wicklow. (*Elected for Ireland*).

George Charles Earl of Lucan. (*Elected for Ireland.*)

Somerset Richard Earl of Belmore. (*Elected for Ireland.*)

James Alexander Earl of Rosslyn.

William Earl of Craven.

Arthur George Earl of Onslow.

Charles Earl of Romney.

Henry Thomas Earl of Chichester.

Thomas Earl of Wilton.

Edward James Earl of Powis.

Horatio Earl Nelson.

William Earl of Rosse. (*Elected for Ireland.*)

Charles Herbert Earl Manvers.

Horatio Earl of Orford.

Henry Earl Grey.

William Earl of Lonsdale.

Dudley Earl of Harrowby. (*In another place as Lord Privy Seal.*)

Henry Thynne Earl of Harewood.

Gilbert Earl of Minto.

Charles Murray Earl Cathcart.

James Walter Earl of Verulam.

John William Spencer Brownlow Earl Brownlow.

Edward Granville Earl of Saint Germans. (*In another place as Lord Steward of the Household.*)

Edmund Earl of Morley.

George Augustus Frederick Henry Earl of Bradford.

Henry Beauchamp Earl Beauchamp.

Richard Earl of Bantry. (*Elected for Ireland.*)

Richard Earl of Glengall. (*Elected for Ireland.*)

Thomas Philip Earl De Grey.

John Earl of Eldon.

Richard William Penn Earl Howe.

Charles Sommers Earl Sommers.

John Edward Cornwallis Earl of Stradbroke.

George Henry Robert Charles William Earl Vane.

William Pitt Earl Amherst.

John Frederick Earl Cawdor.

William George Earl of Munster.

William Earl of Burlington.

Robert Dundas Earl of Camperdown.

Thomas George Earl of Lichfield.

George Frederick D'Arcy Earl of Durham.

Frederick John Earl of Ripon.

Granville George Earl Granville. (*In another place as Lord President of the Council.*)

Henry Earl of Effingham.

Henry John Earl of Ducie.

Charles Anderson Worsley Earl of Yarborough.

James Henry Robert Earl Innes. (*Duke of Roxburghe.*)

Thomas William Earl of Leicester.

William Earl of Lovelace.

THOMAS Earl of ZETLAND.
CHARLES NOEL Earl of GAINSBOROUGH.
EDWARD Earl of ELLENBOROUGH.
GEORGE GRANVILLE FRANCIS Earl of ELLESMERE.
JOHN Earl of STRAFFORD.
CHARLES EDWARD Earl of COTTENHAM.
HENRY RICHARD CHARLES Earl COWLEY.

ROBERT Viscount HEREFORD.
WILLIAM HENRY Viscount STRATHALLAN. (*Elected for Scotland.*)
HENRY Viscount BOLINGBROKE and ST. JOHN.
EVELYN Viscount FALMOUTH.
GEORGE Viscount TORRINGTON.
AUGUSTUS FREDERICK Viscount LEINSTER. (*Duke of Leinster.*)
HENRY Viscount MAYNARD.
JOHN ROBERT Viscount SYDNEY.
FRANCIS WHELER Viscount HOOD.
ARTHUR Viscount DUNGANNON. (*Elected for Ireland.*)
THOMAS Viscount DE VESCI. (*Elected for Ireland*).
JAMES Viscount LIFFORD. (*Elected for Ireland.*)
EDWARD Viscount BANGOR. (*Elected for Ireland.*)
HAYES Viscount DONERAILE. (*Elected for Ireland.*)
EDWARD JERVIS Viscount ST. VINCENT.
HENRY Viscount MELVILLE.
WILLIAM LEONARD Viscount SIDMOUTH.
GEORGE Viscount GORDON. (*Earl of Aberdeen.*)
EDWARD Viscount EXMOUTH.
RICHARD JOHN Viscount HUTCHINSON. (*Earl of Donoughmore.*)
WILLIAM THOMAS Viscount CLANCARTY. (*Earl of Clancarty.*)
STAPLETON Viscount COMBERMERE.
CHARLES JOHN Viscount CANNING.
CHARLES JOHN Viscount CANTERBURY.
ROWLAND Viscount HILL.
CHARLES STEWART Viscount HARDINGE.
HUGH Viscount GOUGH.
STRATFORD Viscount STRATFORD DE REDCLIFFE.
CHARLES Viscount EVERSLEY

ARCHIBALD CAMPBELL Bishop of LONDON.
CHARLES THOMAS Bishop of DURHAM.
CHARLES RICHARD Bishop of WINCHESTER.
CHRISTOPHER Bishop of BANGOR.
GEORGE Bishop of ROCHESTER.
HENRY Bishop of EXETER.
GEORGE Bishop of PETERBOROUGH.
CONNOP Bishop of ST. DAVID'S.
HENRY Bishop of WORCESTER.
ASHHURST TURNER Bishop of CHICHESTER.
JOHN Bishop of LICHFIELD.
THOMAS Bishop of ELY.
SAMUEL Bishop of OXFORD.
THOMAS VOWLER Bishop of ST. ASAPH.
JAMES PRINCE Bishop of MANCHESTER.
RENN DICKSON Bishop of HEREFORD.
JOHN Bishop of CHESTER.
ALFRED Bishop of LLANDAFF.
JOHN Bishop of LINCOLN.
WALTER KERR Bishop of SALISBURY.
ROBERT JOHN Bishop of BATH and WELLS. (*In another place as Lord Auckland*).
HENRY MONTAGU Bishop of CARLISLE.
CHARLES Bishop of GLOUCESTER AND BRISTOL.
ROBERT Bishop of RIPON.
ROBERT Bishop of CASHEL, EMLY, WATERFORD, and LISMORE.
WILLIAM Bishop of DERRY and RAPHOE.
HENRY Bishop of LIMERICK, ARDFERT, and AGHADOE.

FOX Lord PANMURE. (*One of Her Majesty's Principal Secretaries of State.*)
WILLIAM LENNOX LASCELLES Lord DE ROS.
JACOB Lord HASTINGS.
GEORGE EDWARD Lord AUDLEY.
PETER ROBERT Lord WILLOUGHBY DE ERESBY.
THOMAS CROSBY WILLIAM Lord DACRE.
CHARLES RODOLPH Lord CLINTON.
THOMAS Lord CAMOYS.
HENRY Lord BEAUMONT.
CHARLES Lord STOURTON.
HENRY WILLIAM Lord BERNERS.
ROBERT JOHN Lord WILLOUGHBY DE BROKE.
GEORGE Lord VAUX of HARROWDEN.
ST. ANDREW BEAUCHAMP Lord ST. JOHN of BLETSO.
CHARLES AUGUSTUS Lord HOWARD DE WALDEN.

William Bernard Lord Petre.

Frederick Benjamin Lord Saye and Sele.

Henry Benedict Lord Arundell of Wardour.

John Stuart Lord Clifton. (*Earl of Darnley.*)

Joseph Thaddeus Lord Dormer.

George Henry Lord Teynham.

Henry Valentine Lord Stafford.

George Anson Lord Byron.

William Lord Ward.

Hugh Charles Lord Clifford of Chudleigh.

John Lord Gray. (*Elected for Scotland.*)

Charles Lord Sinclair. (*Elected for Scotland.*)

John Lord Elphinstone. (*Elected for Scotland.*)

Charles Lord Blantyre. (*Elected for Scotland.*)

Charles John Lord Colville of Culross. (*Elected for Scotland.*)

Henry Francis Lord Polwarth. (*Elected for Scotland.*)

Richard Edmund Saint Lawrence Lord Boyle. (*Earl of Cork and Orrery.*)

Thomas Robert Lord Hay. (*Earl of Kinnoul.*)

Henry Lord Middleton.

William John Lord Monson.

George John Brabazon Lord Ponsonby. (*Earl of Bessborough.*)

Henry Lord Wycombe.

George John Lord Sondes.

Alfred Nathaniel Holden Lord Scarsdale.

George Ives Lord Boston.

Henry Edward Lord Holland.

George James Lord Lovel and Holland (*Earl of Egmont.*)

George John Lord Vernon.

Edward Saint Vincent Lord Digby.

George Douglas Lord Sundridge. (*Duke of Argyll.*)

Edward William Lord Hawke.

Thomas Henry Lord Foley.

George Rice Lord Dinevor.

Thomas Lord Walsingham.

William Lord Bagot.

Charles Lord Southampton.

Fletcher Lord Grantley.

Robert Dennett Lord Rodney.

Richard Noel Lord Berwick.

John Lord Sherborne.

Henry Lord Tyrone. (*Marquess of Waterford.*)

Richard Lord Carleton. (*Earl of Shannon.*)

Charles Lord Suffield.

Guy Lord Dorchester.

Lloyd Lord Kenyon.

Richard Lord Braybrooke.

George Hamilton Lord Fisherwick. (*Marquess of Donegal.*)

Henry Hall Lord Gage. (*Viscount Gage.*)

Edward Thomas Lord Thurlow.

Robert John Lord Auckland. (*In another place as Bishop of Bath and Wells.*)

George William Lord Lyttelton.

Henry Lord Mendip. (*Viscount Clifden.*)

Francis Lord Stuart of Castle Stuart. (*Earl of Moray.*)

Randolph Lord Stewart of Garlies. (*Earl of Galloway.*)

James Thomas Lord Saltersford. (*Earl of Courtown.*)

Charles Lord Brodrick. (*Viscount Midleton.*)

Frederick Lord Calthorpe.

Robert John Lord Carrington.

Henry Lord Bayning.

William Henry Lord Bolton.

John Lord Wodehouse.

John Lord Northwick.

Thomas Atherton Lord Lilford.

Thomas Lord Ribblesdale.

Richard Hobart Lord Fitzgibbon. (*Earl of Clare.*)

Cadwallader Davis Lord Blayney. (*Elected for Ireland.*)

Henry Lord Farnham. (*Elected for Ireland.*)

John Cavendish Lord Kilmaine. (*Elected for Ireland.*)

Robert Lord Clonbrock. (*Elected for Ireland.*)

Edward Lord Crofton. (*Elected for Ireland.*)

Eyre Lord Clarina. (*Elected for Ireland.*)

Henry Francis Seymour Lord Moore. (*Marquess of Drogheda.*)

JOHN HENRY WELLINGTON GRAHAM Lord LOFTUS. (*Marquess of Ely.*)

GRANVILLE LEVESON Lord CARYSFORT. (*Earl of Carysfort.*)

GEORGE RALPH Lord ABERCROMBY.

JOHN THOMAS Lord REDESDALE.

GEORGE Lord RIVERS.

ARTHUR MOYSES WILLIAM Lord SANDYS.

GEORGE AUGUSTUS FREDERICK CHARLES Lord SHEFFIELD. (*Earl of Sheffield.*)

THOMAS AMERICUS Lord ERSKINE.

GEORGE JOHN Lord MONT EAGLE. (*Marquess of Sligo.*)

ARCHIBALD WILLIAM Lord ARDROSSAN. (*Earl of Eglintoun.*)

JAMES Lord LAUDERDALE. (*Earl of Lauderdale.*)

GEORGE ARTHUR HASTINGS Lord GRANARD. (*Earl of Granard.*)

HUNGERFORD Lord CREWE.

WILLIAM Lord PONSONBY of IMOKILLY.

ALAN LEGGE Lord GARDNER.

JOHN THOMAS Lord MANNERS.

JOHN ALEXANDER Lord HOPETOUN. (*Earl of Hopetoun.*)

FREDERICK WILLIAM ROBERT Lord STEWART of STEWART'S COURT (*Marquess of Londonderry.*)

RICHARD Lord CASTLEMAINE. (*Elected for Ireland.*)

CHARLES Lord MELDRUM. (*Marquess of Huntly.*)

JAMES Lord ROSS. (*Earl of Glasgow.*)

WILLIAM WILLOUGHBY Lord GRINSTEAD. (*Earl of Enniskillen.*)

WILLIAM HENRY TENNISON Lord FOXFORD. (*Earl of Limerick.*)

FRANCIS GEORGE Lord CHURCHILL.

GEORGE FRANCIS ROBERT Lord HARRIS.

CHARLES Lord COLCHESTER.

WILLIAM SCHOMBERG ROBERT Lord KER. (*Marquess of Lothian.*)

FRANCIS NATHANIEL Lord MINSTER. (*Marquess Conyngham.*)

JAMES EDWARD WILLIAM THEOBALD Lord ORMONDE. (*Marquess of Ormonde.*)

FRANCIS Lord WEMYSS. (*Earl of Wemyss.*)

ROBERT Lord CLANBRASSILL. (*Earl of Roden.*)

ROBERT Lord KINGSTON. (*Earl of Kingston.*)

EDWARD MICHAEL Lord SILCHESTER. (*Earl of Longford.*)

WILLIAM RICHARD ARTHUR Lord MARYBOROUGH. (*Earl of Mornington.*)

JOHN Lord ORIEL. (*Viscount Massereene.*)

HENRY THOMAS Lord RAVENSWORTH.

HUGH Lord DELAMERE.

JOHN GEORGE WELD Lord FORESTER.

JOHN JAMES Lord RAYLEIGH.

ULYSSES Lord DOWNES. (*Elected for Ireland.*)

ROBERT FRANCIS Lord GIFFORD.

——— Lord PENSHURST. (*Viscount Strangford.*)

ULICK JOHN Lord SOMERHILL. (*Marquess of Clanricarde.*)

JAMES Lord WIGAN. (*Earl of Crawford and Balcarres.*)

THOMAS Lord RANFURLY. (*Earl of Ranurly.*)

GEORGE Lord DE TABLEY.

EDWARD MONTAGUE STUART GRANVILLE Lord WHARNCLIFFE.

WILLIAM Lord FEVERSHAM.

JOHN SINGLETON Lord LYNDHURST.

JOHN HENRY Lord TENTERDEN.

THOMAS SPAN Lord PLUNKET. (*Bishop of Tuam, Killala, and Achonry.*)

THOMAS Lord MELROS. (*Earl of Haddington.*)

WILLIAM Lord HEYTESBURY.

ARCHIBALD JOHN Lord ROSEBERY. (*Earl of Rosebery.*)

RICHARD Lord CLANWILLIAM. (*Earl of Clanwilliam.*)

EDWARD Lord SKELMERSDALE.

WILLIAM SAMUEL Lord WYNFORD.

HENRY Lord BROUGHAM and VAUX.

WILLIAM HENRY Lord KILMARNOCK. (*Earl of Erroll.*)

ARTHUR JAMES Lord FINGALL. (*Earl of Fingall.*)

WILLIAM PHILIP Lord SEFTON. (*Earl of Sefton.*)

WILLIAM SYDNEY Lord CLEMENTS. (*Earl of Leitrim.*)

GEORGE WILLIAM FOX Lord ROSSIE. (*Lord Kinnaird.*)

THOMAS Lord KENLIS. (*Marquess of Headfort.*)

WILLIAM Lord CHAWORTH. (*Earl of Meath.*)

CHARLES ADOLPHUS Lord DUNMORE. (*Earl of Dunmore.*)

ROBERT MONTGOMERIE Lord HAMILTON. (*Lord Belhaven and Stenton.*)

JOHN HOBART Lord HOWDEN.

FOX Lord PANMURE. (*In another place as one of Her Majesty's Principal Secretaries of State.*)

GEORGE WARWICK Lord POLTIMORE.

EDWARD MOSTYN Lord MOSTYN.

HENRY SPENCER Lord TEMPLEMORE.

EDWARD Lord CLONCURRY.

JAMES Lord DE SAUMAREZ.

GEORGE GODOLPHIN Lord GODOLPHIN.

LUCIUS BENTINCK Lord HUNSDON. (*Viscount Falkland.*)

THOMAS Lord DENMAN.

ROBERT CAMPBELL Lord ABINGER.

PHILIP Lord DE L'ISLE and DUDLEY.

WILLIAM BINGHAM Lord ASHBURTON.

CHARLES Lord GLENELG.

EDWARD JOHN Lord HATHERTON.

GEORGE STEVENS Lord STRAFFORD.

ARCHIBALD Lord WORLINGHAM. (*Earl of Gosford.*)

EDWARD BERKELEY Lord PORTMAN.

THOMAS ALEXANDER Lord LOVAT.

WILLIAM BATEMAN Lord BATEMAN.

FRANCIS WILLIAM Lord CHARLEMONT. (*In another place as Earl of Charlemont.*)

FRANCIS ALEXANDER Lord KINTORE. (*Earl of Kintore.*)

GEORGE PONSONBY Lord LISMORE. (*Viscount Lismore.*)

HENRY ROBERT Lord ROSSMORE.

ROBERT SHAPLAND Lord CAREW.

CHARLES FREDERICK ASHLEY COOPER Lord DE MAULEY.

JOHN Lord WROTTESLEY.

CHARLES Lord SUDELEY.

FREDERICK HENRY PAUL Lord METHUEN.

EDWARD JOHN Lord STANLEY of ALDERLEY.

HENRY Lord STUART DE DECIES.

WILLIAM HENRY Lord LEIGH.

BEILBY RICHARD Lord WENLOCK.

CHARLES Lord LURGAN.

JAMES Lord DUNFERMLINE.

THOMAS SPRING Lord MONTEAGLE of BRANDON.

JOHN Lord SEATON.

EDWARD ARTHUR WELLINGTON Lord KEANE.

JOHN Lord CAMPBELL.

NORTH Lord OXENFOORD. (*Earl of Stair.*)

CHARLES CRESPIGNY Lord VIVIAN.

JOHN Lord CONGLETON.

DENIS ST. GEORGE Lord DUNSANDLE and CLANCONAL. (*Elected for Ireland.*)

RICHARD Lord DARTREY. (*Lord Cremorne.*)

JAMES Lord ELGIN. (*Earl of Elgin and Kincardine.*)

FREDERICK TEMPLE Lord CLANDEBOYE. (*Lord Dufferin and Claneboye.*)

ALBERT DENISON Lord LONDESBOROUGH.

SAMUEL JONES Lord OVERSTONE.

CHARLES ROBERT CLAUDE Lord TRURO.

ROBERT MONSEY Lord CRANWORTH. (*In another place as Lord Chancellor.*)

JOHN CAM Lord BROUGHTON.

JOHN Lord DE FREYNE.

EDWARD BURTENSHAW Lord SAINT LEONARDS.

RICHARD HENRY FITZROY Lord RAGLAN.

GILBERT JOHN Lord AVELAND.

THOMAS Lord KENMARE. (*Earl of Kenmare*).

EDMUND Lord LYONS.

JAMES Lord WENSLEYDALE.

EDWARD Lord BELPER.

JAMES Lord TALBOT DE MALAHIDE.

ROBERT Lord EBURY.

THOMAS BABINGTON Lord MACAULAY.

JAMES Lord SKENE. (*Earl Fife.*)

LIST OF THE COMMONS.

LIST OF MEMBERS

RETURNED FROM THE RESPECTIVE COUNTIES, CITIES, TOWNS, AND BOROUGHS, TO SERVE IN THE *SEVENTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN AND IRELAND*: AMENDED TO THE OPENING OF THE SECOND SESSION ON THE 3RD DAY OF DECEMBER, 1857.

ABINGDON.
John Thomas Norris.

ANDOVER.
William Cubitt,
Hon. Dudley Francis Fortescue.

ANGLESEY.
Sir Richard Bulkeley Williams Bulkeley, bt.

ARUNDEL.
Rt. hon. (Edward Howard) Lord E. Howard.

ASHBURTON.
George Moffatt.

ASHTON-UNDER-LINE.

AYLESBURY.
Thomas Tyringham Bernard,
Sir Richard Bethell, knt.

BANBURY.
Henry William Tancred.

BARNSTAPLE.
Sir William Augustus Fraser, bt.,
John Laurie.

BATH.
Sir Arthur Hallam Elton, bt.
William Tite.

BEAUMARIS.
Hon. William Owen Stanley.

BEDFORDSHIRE.
Francis Charles Hastings Russell,
Richard Thomas Gilpin.

BEDFORD.
Samuel Whitbread,
Thomas Barnard.

BERKSHIRE.
Robert Palmer,
Hon. Philip Pleydell Bouverie,
George Henry Vansittart.

BERWICK-UPON-TWEED.
John Stapleton,
Dudley Coutts Majoribanks.

BEVERLEY.
Hon. William Henry Forester Denison,
Henry Edwards.

BEWDLEY.
Sir Thomas Edward Winnington, bt.

BIRMINGHAM.
William Scholefield.

BLACKBURN.
James Pilkington,
William Henry Hornby.

BODMIN.
Hon. John Cranch Walker Vivian,
James Wyld.

BOLTON-LE-MOORS.
William Gray,
Joseph Crook.

BOSTON.
Herbert Ingram,
William Henry Adams.

BRADFORD.
Henry Wickham Wickham,
Thomas Perronet Thompson.

BRECKNOCKSHIRE.
Sir Joseph Bailey, bt.

BRECKNOCK.
John Lloyd Vaughan Watkins.

BRIDGENORTH.
Henry Whitmore,
John Pritchard.

BRIDGWATER.
Charles John Kemeys Tynte,
Alexander William Kinglake.

BRIDPORT.
Thomas Alexander Mitchell,
Kirkman Daniel Hodgson.

BRIGHTHELMSTONE.
Sir George Richard Pechell, bt.,
William Coningham.

BRISTOL.
Hon. Francis Henry Fitzhardinge Berkeley,
William Henry Gore Langton.

BUCKINGHAMSHIRE.
Caledon George Du Pré,
Rt. hon. Benjamin Disraeli,
Hon. Charles Compton Cavendish.

BUCKINGHAM.
Sir Harry Verney, bt.,
John Hall.

BURY.
Robert Needham Philips.

BURY ST. EDMUND'S.
Rt. hon. Frederick William (Hervey) Earl Jermyn,
Joseph Alfred Hardcastle.

CALNE.
Sir William Fenwick Williams, bt.

CAMBRIDGESHIRE.
Edward Ball,
Henry John Adeane,
Hon. Eliot Thomas Yorke.

CAMBRIDGE (UNIVERSITY).
Loftus Tottenham Wigram,
Rt. hon. Spencer Horatio Walpole.

CAMBRIDGE.
Kenneth Macaulay,
Andrew Steuart.

CANTERBURY.
Hon. Henry Butler Johnstone,
Rt. hon. Sir William Meredyth Somerville, bt.

CARDIFF.
James F. C. D. Stuart.

CARDIGANSHIRE.
Rt. hon. Ernest Augustus (Vaughan) Earl of Lisburne.

CARDIGAN.
Edward Lewis Pryse.

CARLISLE.
William Nicholson Hodgson,
Rt. hon. Sir James Robert George Graham, bt.

CARMARTHENSHIRE.
David Pugh,
David Jones.

CARMARTHEN.
David Morris.

CARNARVONSHIRE.
Hon. Edward Gordon Douglas Pennant.

CARNARVON.
William Bulkeley Hughes.

CHATHAM.
Sir John Mark Frederic Smith, knt.

CHELTENHAM.
Francis William Fitzhardinge Berkeley.

CHESHIRE.
(*Northern Division.*)
William Tatton Egerton,
George Cornwall Legh.
(*Southern Division.*)
Sir Philip de Malpas Grey Egerton, bt.,
John Tollemache.

CHESTER.
Hon. Hugh Lupus (Grosvenor) Earl Grosvenor,
Enoch Gibbon Salisbury.

CHICHESTER.
John Abel Smith,
Hon. (George Charles Henry Gordon Lennox) Lord G. C. H. G. Lennox.

CHIPPENHAM.
Henry George Boldero,
Robert Parry Nisbet.

CHRISTCHURCH.
John Edward Walcott.

CIRENCESTER.
Allen Alexander Bathurst,
John Randolph Mullings.

CLITHEROE.
John Turner Hopwood.

COCKERMOUTH.
John Steel,
Rt. hon. Richard Southwell (Bourke) Lord Naas.

COLCHESTER.
Taverner John Miller.
John Gurdon Rebow.

CORNWALL.
(*Eastern Division.*)
Thomas James Agar Robartes,
Nicholas Kendall.
(*Western Division.*)
Michael Williams,
Richard Davey.

COVENTRY.
Rt. hon. Edward Ellice,
Sir Joseph Paxton, knt.

CRICKLADE.
John Neeld,
Ambrose Lethbridge Goddard.

CUMBERLAND.
(*Eastern Division.*)
Hon. Charles Wentworth George Howard,
William Marshall.
(*Western Division.*)
Henry Wyndham,
Henry Lowther.

DARTMOUTH.
James Caird.

DENBIGHSHIRE.
Sir Watkin Williams Wynn, bt.,
Robert Myddelton Biddulph.

DENBIGH.
Townshend Mainwaring.

DERBYSHIRE.
(*Northern Division.*)
Hon. George Henry Cavendish,
William Pole Thornhill.
(*Southern Division.*)
Thomas William Evans,
Charles Robert Colville.

DERBY.
Michael Thomas Bass,
Samuel Beale.

DEVIZES.
Simon Watson Taylor,
Christopher Darby Griffith.

DEVONPORT.
Sir Thomas Erskine Perry, knt.
James Wilson.

DEVONSHIRE.
(*Northern Division.*)
James Wentworth Buller,
Hon. Charles Henry Rolle Trefusis.
(*Southern Division.*)
Sir John Buller Yarde Buller, bt.,
Lawrence Palk.

DORCHESTER.
Richard Brinsley Sheridan,
Charles Napier Sturt.

DORSETSHIRE.
Hon. William Henry Berkeley Portman,
Henry Gerard Sturt,
Henry Ker Seymer.

DOVOR.
Ralph Bernal Osborne,
Sir William Russell, bt.

DROITWICH.
Rt. hon. Sir John Somerset Pakington, bt.

DUDLEY.
Henry Brinsley Sheridan.

DURHAM.
(*Northern Division.*)
Robert Duncombe Shafto,
Hon. (Adolphus Frederick Charles William Vane-Tempest) Lord A. F. C. W. Vane-Tempest.
(*Southern Division.*)
Henry Pease,
Hon. (Harry George Vane) Lord H. G. Vane.

DURHAM (CITY).
William Atherton,
Robert John Mowbray.

ESSEX.
(*Northern Division.*)
Rt. hon. William Beresford,
Charles Du Cane.
(*Southern Division.*)
Thomas William Bramston,
Richard Baker Wingfield.

EVESHAM.
Sir Henry Pollard Willoughby, bt.,
Edward Holland.

EXETER.
Edward Divett,
Richard Sommers Gard.

EYE.
Sir Edward Clarence Kerrison, bt.

FINSBURY.
Thomas Slingsby Duncombe,
William Cox.

FLINTSHIRE.
Hon. Thomas Edward Mostyn Lloyd Mostyn.

FLINT, &c.
Sir John Hanmer, bt.

FROME.
Donald Nicoll.

GATESHEAD.
William Hutt.

GLAMORGANSHIRE.
Christopher Rice Mansel Talbot,
Henry Hussey Vivian.

GLOUCESTERSHIRE.
(*Eastern Division.*)
Sir Christopher William Codrington, bt.,
Robert Stayner Holford.
(*Western Division.*)
Robert Nigel Fitzhardinge Kingscote,
John Rolt.

GLOUCESTER.
Sir Robert Walter Carden, knt.,
William Philip Price.

GRANTHAM.
Glynne Earle Welby,
Hon. Frederick James Tollemache.

GREENWICH.
Sir William John Codrington, K.C.B.,
John Townsend.

GRIMSBY (GREAT).
Hon. Charles (Anderson-Pelham) Lord Worsley.

GUILDFORD.
Ross Donnelly Mangles,
William Bovill.

HALIFAX.
Frank Crossley,
Rt. hon. Sir Charles Wood, bt.

HAMPSHIRE.
(*Northern Division.*)
William Wither Bramston Beach,
George Sclater.
(*Southern Division.*)
Hon. Ralph Heneage Ton,
Sir Jervoise Clarke Clarke-Jervoise, bt.

HARWICH.
John Bagshaw,

HASTINGS.
Patrick Francis Robertson,
Frederick North.

HAVERFORDWEST.
John Henry Philipps.

HELSTON.
Charles Trueman.

HEREFORDSHIRE.
Sir Henry Geers Cotterell, bt.,
Thomas William Booker-Blakemore,
James King King.

HEREFORD.
Henry Morgan Clifford,
George Clive.

HERTFORDSHIRE.
Sir Henry Meux, bt.,
Sir Edward George Earle Lytton Bulwer-Lytton, bt.
Christopher William Puller.

HERTFORD.
Rt. hon. William Francis Cowper,
Sir Walter Minto Townshend Farquhar, bt.

HONITON.
Joseph Locke,
A. H. P. Wortley.

HORSHAM.
William Robert Seymour Vesey FitzGerald.

HUDDERSFIELD.
Edward Akroyd

HUNTINGDONSHIRE.
James Rust.
Edward Fellowes

HUNTINGDON.
Jonathan Peel,
Thomas Baring.

HYTHE.
Sir John William Ramsden, bt.

IPSWICH.
John Chevallier Cobbold,
Hugh Edward Adair.

KENDAL.
George Carr Glyn.

KENT.
(*Eastern Division.*)
Sir Brook William Bridges, bt.,

(*Western Division.*)
Charles Wykeham Martin,
James Whatman.

KIDDERMINSTER.
Rt. hon. Robert Lowe.

KING'S LYNN.
Hon. Edward Henry (Stanley) Lord Stanley,
John Henry Gurney.

KINGSTON-UPON-HULL.
James Clay,
Hon. Anthony (Ashley-Cooper) Lord Ashley.

KNARESBOROUGH.
Basil Thomas Woodd,
Thomas Collins.

LAMBETH.
William Roupell,
William Williams.

LANCASHIRE.
(*Northern Division.*)
John Wilson Patten,
Hon. Spencer Compton (Cavendish) Lord Cavendish.
(*Southern Division.*)
William Brown,
John Cheetham.

LANCASTER.
Samuel Gregson,
William James Garnett.

LAUNCESTON.
Hon. Josceline William Percy.

LEEDS.
Rt. hon. Matthew Talbot Baines,
George Skirrow Beecroft.

LEICESTERSHIRE.
(*Northern Division.*)
Rt. hon. (John James Robert Manners) Lord J. J. R. Manners,
Edward Basil Farnham.

(*Southern Division.*)
Charles William Packe,
Hon. George Augustus Frederick Louis (Curzon Howe) Viscount Curzon.

LEICESTER.
John Dove Harris,
John Biggs.

LEOMINSTER.
Gathorne Hardy,
John Pollard Willoughby.

LEWES.
Rt. hon. Henry FitzRoy,
Hon. Henry Bouverie William Brand.

LICHFIELD.
Hon. Dudley Francis Stuart (Ryder) Viscount Sandon,
Hon. (Alfred Henry Paget) Lord A. H. Paget.

LINCOLNSHIRE.
(*Parts of Lindsey.*)
James Banks Stanhope,
Sir Montagu John Cholmeley Cholmeley, bt.
(*Parts of Kesteven and Holland.*)
Sir John Trollope, bt.,
Anthony Willson.

LINCOLN.
Gervaise Tottenham Waldo Sibthorp,
George Fieschi Heneage.

LISKEARD.
Ralph William Grey.

LIVERPOOL.
Thomas Berry Horsfall,
Joseph Christopher Ewart.

LONDON.
Sir James Duke, bt.,
Lionel Nathan (Baron) De Rothschild,
Rt. hon. (John Russell) Lord J. Russell,
Robert Wygram Crawford.

LUDLOW.
Hon. Percy Egerton Herbert,
Beriah Botfield.

LYME REGIS.
William Pinney.

LYMINGTON.
William Alexander Mackinnon, jun.,
Sir John Rivett Carnac, bt.

MACCLESFIELD.
John Brocklehurst,
Edward Christopher Egerton.

MAIDSTONE.
Alexander James Beresford Hope,
Edward Scott.

MALDON.
Thomas Sutton Western,
John Bramley-Moore,

MALMESBURY.
Thomas Lucc.

MALTON.
Hon. Charles William Wentworth Fitzwilliam,
James Brown.

MANCHESTER.
Sir John Potter, knt.,
James Aspinall Turner.

MARLBOROUGH.
Rt. hon. (Ernest Augustus Charles Brudenell Bruce) Lord E. A. C. B. Bruce,
Henry Bingham Baring.

MARLOW (GREAT).
Thomas Peers Williams,
Brownlow William Knox.

MARYLEBONE.
Rt. hon. Sir Benjamin Hall, bt.,
Hon. Hugh (Fortescue) Viscount Ebrington.

MERIONETHSHIRE.
William Watkin Edward Wynne.

MERTHYR TYDVIL.
Henry Austin Bruce.

MIDDLESEX.
Robert Hanbury,
Hon. George Henry Charles Byng.

MIDHURST.
Samuel Warren.

MONMOUTHSHIRE.
Charles Octavius Swinnerton Morgan,
Edward Arthur Somerset.

MONMOUTH.
Crawshay Bailey.

MONTGOMERYSHIRE.
Herbert Watkins Williams Wynn.

MONTGOMERY.
David Pugh.

MORPETH.
Rt. hon. Sir George Grey, bt.

NEWARK-UPON-TRENT.
Hon. Henry Pelham Alexander (Pelham-Clinton) Earl of Lincoln
John Handley

NEWCASTLE-UNDER-LYME
Samuel Christy,
William Jackson.

NEWCASTLE-UPON-TYNE.
George Ridley,
Thomas Emerson Headlam.

NEWPORT.
Charles Edward Mangles,
Charles Buxton.

NORFOLK.
(*Eastern Division.*)
Charles Ashe Windham,
Sir Edward North Buxton, bt.
(*Western Division.*)
George William Pierrepont Bentinck,
Charles Brampton Gurdon.

NORTHALLERTON.
William Battie Wrightson.

NORTHAMPTONSHIRE.
(*Northern Division.*)
Hon. William Alleyne (Cecil) Lord Burghley.

(*Southern Division.*)
Hon. John Poyntz (Spencer) Viscount Althorp,
Rainald Knightley.

NORTHAMPTON.
Rt. hon. Robert Vernon Smith,
Charles Gilpin.

NORTHUMBERLAND.
(*Northern Division.*)
Hon. Algernon George (Percy) Lord Lovaine,
Hon. Charles (Bennett) Lord Ossulston.
(*Southern Division.*)
Wentworth Blackett Beaumont,
Hon. Henry George Liddell.

NORWICH.
William Henry Schneider,
Hon. William Coutts (Keppell) Viscount Bury.

NOTTINGHAMSHIRE.
(*Northern Division.*)
Hon. (Henry William Cavendish Bentinck) Lord H. W. C. Bentinck,
Hon. (Robert Renebald Pelham-Clinton) Lord R. R. Clinton.
Rt. hon. John Evelyn Denison.
(*Southern Division.*)
William Hodgson Barrow,
Hon. Charles (Pierrepont) Viscount Newark.

NOTTINGHAM.
Charles Paget,
John Walter.

OLDHAM.
John Morgan Cobbett,
William Johnson Fox.

OXFORDSHIRE.
Rt. hon. Joseph Warner Henley,
John Sidney North,
George Granville Vernon Harcourt.

OXFORD (CITY).
James Haughton Langston,
Rt. Hon. Edward Cardwell.

OXFORD (UNIVERSITY).
Sir William Heathcote, bt.,
Rt. Hon. William Ewart Gladstone.

PEMBROKESHIRE.
Hon. John Frederick Vaughan (Campbell) Viscount Emlyn.

PEMBROKE.
Sir John Owen, bt.

PENRYN AND FALMOUTH.
Thomas George Baring,
Samuel Gurney.

PETERBOROUGH.
Hon. George Wentworth Fitzwilliam,
Thomson Hankey.

PETERSFIELD.
Sir William George Hylton Jolliffe, bt.

PLYMOUTH.
Robert Porrett Collier,
James White.

PONTEFRACT.
Richard Monckton Milnes,
William Wood.

POOLE.
Henry Danby Seymour,
George Woodroffe Franklyn.

PORTSMOUTH.
Rt. hon. Sir Francis Thornhill Baring, bt.,
Sir James Dalrymple Horn Elphinstone, bt.

PRESTON.
Charles Pascoe Grenfell,
Richard Asheton Cross.

RADNORSHIRE.
Sir John Benn Walsh, bt.

RADNOR (NEW).
Rt. hon. Sir George Cornewall Lewis, bt.

READING.
Francis Pigott,
Sir Henry Singer Keating, kt.

REIGATE.
William Hackblock.

RETFORD (EAST).
Rt. hon. George Edward Arundell (Monckton-Arundell) Viscount Galway,
Francis John Savile Foljambe.

RICHMOND.
Henry Rich,
Marmaduke Wyvill.

RIPON.
John Greenwood,
John Ashley Warre.

ROCHDALE.
Sir Alexander Ramsay, bt.

ROCHESTER.
Philip Wykeham Martin,
John Alexander Kinglake.

RUTLANDSHIRE.
Hon. Gilbert Henry Heathcote,
Hon. Gerard James Noel.

RYE.
William Alexander Mackinnon.

ST. IVES.
Henry Paull.

SALFORD.
William Nathaniel Massey.

SALISBURY.
Edward Pery Buckley,
Matthew Henry Marsh.

SALOP, OR SHROPSHIRE.
(*Northern Division.*)
John Whitchall Dod,
Hon. Rowland Clegg Hill.

(*Southern Division.*)
Hon. Robert Windsor Clive,
Hon. Orlando George Chas. (Bridgeman) Viscount Newport.

SANDWICH.
Edward Knatchbull-Hugessen,
Hon. Clarence Edward (Paget) Lord C. E. Paget.

SCARBOROUGH.
Sir John Vanden-Bempde Johnstone, bt.,
Rt. hon. George Augustus Constantine (Phipps) Earl of Mulgrave.

SHAFTESBURY.
George Grenfell Glyn.

SHEFFIELD.
John Arthur Roebuck,
George Hadfield.

SHIELDS (SOUTH).
Robert Ingham.

SHOREHAM (NEW).
Sir Charles Merrik Burrell, bt.,
Hon. (Alexander Francis Charles Gordon Lennox) Lord A. F. C. G. Lennox.

SHREWSBURY.
George Tomline,
Robert Aglionby Slaney.

SOMERSETSHIRE.
(*Eastern Division.*)
William Miles,
William Francis Knatchbull.

(*Western Division.*)
Charles Aaron Moody,
William Henry Powell Gore Langton.

SOUTHAMPTON.
Brodie M'Ghie Willcox,
Thomas Matthias Weguelin.

SOUTHWARK.
Sir Charles Napier, K.C.B.
John Locke.

STAFFORDSHIRE.
(*Northern Division.*)
Charles Bowyer Adderley,
Smith Child.

(*Southern Division.*)
Henry John Wentworth Foley,
William Orme Foster.

STAFFORD.
John Ayshford Wise,
Hon. Charles John (Talbot) Viscount Ingestre.

STAMFORD.
Hon. (Robert Talbot Gascoyne Cecil) Lord R. T. G. Cecil,
Sir Frederic Thesiger, knt.

STOCKPORT.
James Kershaw,
John Benjamin Smith.

STOKE-UPON-TRENT.
William Taylor Copeland,
John Lewis Ricardo.

STROUD.
George Poulett Scrope,
Rt. hon. Edward Horsman.

SUFFOLK.
(*Eastern Division.*)
Sir FitzRoy Kelly, knt.,
Rt. hon. John (Henniker-Major) Lord Henniker.

(*Western Division.*)
Harry Spencer Waddington,
Philip Bennet.

SUNDERLAND.
Henry Fenwick,
George Hudson.

SURREY.
(*Eastern Division.*)
Thomas Alcock,
Hon. Peter John Locke King.

(*Western Division.*)
John Ivatt Briscoe,
Henry Drummond.

SUSSEX.
(*Eastern Division.*)
John George Dodson,
Hon. Henry North (Holroyd) Viscount Pevensey.

(*Western Division.*)
Hon. Charles Henry (Gordon Lennox) Earl of March,
Henry Wyndham.

SWANSEA.
Lewis Llewellyn Dillwyn.

TAMWORTH.
Sir Robert Peel, bt.
Hon. John (Townshend) Viscount Raynham.

TAUNTON.
Rt. hon. Henry Labouchere,
Arthur Mills.

TAVISTOCK.
Sir John Salusbury Trelawny, bt.

TEWKESBURY.
Hon. Frederick Lygon,
John Martin.

THETFORD.
Hon. William Henry (FitzRoy) Earl of Euston.

THIRSK.
Sir William Payne Gallwey, bt.

TIVERTON.
John Heathcoat,
Rt. hon. Henry John (Temple) Viscount Palmerston.

TOTNESS.
Hon. George (Hay) Earl of Gifford,
Thomas Mills.

TOWER HAMLETS.
Acton Smee Ayrton,
Charles Salisbury Butler.

TRURO.
Augustus Smith,
Edward William Bridges Willyams.

TYNEMOUTH.
William Schaw Lindsay.

WAKEFIELD.
John C. Dodgson Charlesworth.

WALLINGFORD.
Richard Malins.

WALSALL.
Charles Forster.

WAREHAM.
John Hales Calcraft.

WARRINGTON.
Gilbert Greenall.

WARWICKSHIRE.
(*Northern Division.*)
Charles Newdigate Newdegate,
Richard Spooner.

(*Southern Division.*)
Evelyn Philip Shirley,
Edward Bolton King.

WARWICK.
George William John Repton,
Edward Greaves.

WELLS.
Edward Hylton Jolliffe,
Rt. hon. Sir William Goodenough Hayter, bt.

WENLOCK.
Rt. hon. George Cecil Weld Forester,
James Milnes Gaskell.

WESTBURY.
Sir Massey Lopes, bt.

WESTMINSTER.
Sir John Villiers Shelley, bt.,
Sir De Lacy Evans, G.C.B.

WESTMORELAND.
Hon. Henry Cecil Lowther,
Hon. Thomas (Taylour) Earl of Bective.

WEYMOUTH AND MELCOMBE REGIS.
William Lockyer Freestun,
Robert James Roy Campbell.

WHITBY.
Robert Stephenson.

WHITEHAVEN.
Robert Charles Hildyard.

WIGAN.
Francis Sharp Powell,
Henry Woods.

WIGHT (ISLE OF).
Charles Cavendish Clifford.

WILTON.
Edmund Antrobus.

WILTSHIRE.
(*Northern Division.*)
Walter Long,
Thomas Henry Sutton Sotheron-Estcourt.

(*Southern Division.*)
Rt. hon. Sidney Herbert,
William Wyndham.

WINCHESTER.
John Bonham Carter,
Sir James Buller East, bt.

WINDSOR.
William Vansittart,
Charles William Grenfell.

WOLVERHAMPTON.
Rt. hon. Charles Pelham Villiers,
Thomas Thornely.

WOODSTOCK.
Hon. Alfred (Churchill), Lord A. Churchill.

WORCESTERSHIRE.
(*Eastern Division.*)
George Rushout,
John Hodgetts Hodgetts Foley.

(*Western Division.*)
Hon. Henry (Pyndar) Viscount Elmley,
Frederick Winn Knight.

WORCESTER.
William Laslett,
Osman Ricardo.

WYCOMBE (CHIPPING).
Sir George Henry Dashwood, bt.,
Martin Tucker Smith.

YARMOUTH (GREAT).
John Mellor,
Adolphus William Young.

YORKSHIRE.
(*North Riding.*)
Hon. Octavius Duncombe,
Edward Stillingfleet Cayley.

YORKSHIRE—*continued.*
(*East Riding.*)
Rt. hon. Beaumont (Hotham) Lord Hotham,
Hon. Arthur Duncombe.
(*West Riding.*)
Hon. George Frederick Samuel (Robinson) Viscount Goderich,
Edmund Beckett Denison.
YORK.
Joshua Proctor Brown Westhead,
John George Smyth.

SCOTLAND.

ABERDEENSHIRE.
Hon. George John James (Gordon) Lord Haddo.
ABERDEEN.
William Henry Sykes.
ARGYLLSHIRE.
Alexander Struthers Finlay.
AYRSHIRE.
Hon. Patrick James Herbert Crichton (Stuart) Lord P. J. H. C. Stuart.
AYR, &c.
Edward Henry John Craufurd.
BANFFSHIRE.
Lachlan Duff Gordon.
BERWICKSHIRE.
Hon. Francis Scott.
BUTESHIRE.
Rt. hon. James Archibald Stuart-Wortley.
CAITHNESS-SHIRE.
George Traill.
CLACKMANNAN AND KINROSS SHIRES.
Hon. William Hugh (Elliot-Murray - Kynynmound) Viscount Melgund
CUPAR, ST. ANDREWS, &c.
Edward Ellice.
DUMBARTONSHIRE.
Alexander Smollett.
DUMFRIES-SHIRE.
John James Hope Johnstone.
DUMFRIES, &c.
William Ewart.
DUNDEE.
Sir John Ogilvy, bt.
DYSART, &c.
Robert Ferguson.
EDINBURGHSHIRE.
Hon. William Henry Walter (Montague-Douglas-Scott) Earl of Dalkeith.
EDINBURGH.
Charles Cowan,
Adam Black.

ELGINSHIRE AND NAIRNE.
Charles Lennox Cumming Bruce.
ELGIN, &c.
George Skene Duff.
FALKIRK, &c.
John Glencairn Carter Hamilton.
FIFESHIRE.
John Fergus.
FORFARSHIRE.
Hon. Adam (Haldane-Duncan) Viscount Duncan.
GLASGOW.
Walter Buchanan,
Robert Dalglish.
GREENOCK.
Alexander Murray Dunlop.
HADDINGTONSHIRE.
Hon. Francis Wemyss (Charteris) Lord Elcho.
HADDINGTON, &c.
Sir Henry Robert Ferguson Davie, bt.
INVERNESS-SHIRE.
Henry James Baillie.
INVERNESS, &c.
Alexander Matheson.
KILMARNOCK, RENFREW, &c.
Rt. hon. Edward Pleydell Bouverie.
KINCARDINESHIRE.
Hon. Hugh Arbuthnott.
KIRKCUDBRIGHT.
John Mackie.
KIRKWALL, WICK, &c.
Hon. John (Hay) Lord J. Hay.
LANARKSHIRE.
Sir Thomas Edward Colebrooke, bt.
LEITH, &c.
Rt. hon. James Moncreiff.
LINLITHGOWSHIRE.
George Dundas.
MONTROSE, &c.
William Edward Baxter.
ORKNEY AND SHETLAND.
Frederick Dundas.
PAISLEY.

PEEBLES-SHIRE.
Sir Graham Graham Montgomery, bt.
PERTHSHIRE.
William Stirling.
PERTH.
Hon. Arthur FitzGerald Kinnaird.

RENFREWSHIRE.
Sir Michael Robert Shaw Stewart, bt.
ROSS AND CROMARTY SHIRES.
Sir James Matheson, bt.
ROXBURGHSHIRE.
Hon. John Edmund Elliot.
SELKIRKSHIRE.
Allan Eliott Lockhart.
STIRLINGSHIRE.
Peter Blackburn.
STIRLING, &c.
Sir James Anderson, knt.
SUTHERLANDSHIRE.
Hon. George Granville William (Leveson - Gower) Marquess of Stafford.
WIGTONSHIRE.
Sir Andrew Agnew, bt.
WIGTON, &c.
Sir William Dunbar, bt.

IRELAND.

ANTRIM.
Thomas Henry Pakenham,
George Macartney.
ARMAGH.
Sir William Verner, bt.,
Maxwell Charles Close.
ARMAGH (CITY).
Stearne Ball Miller.
ATHLONE.
John Ennis.
BANDON BRIDGE.
Hon. William Smyth Bernard.
BELFAST.
Hugh MacCalmont Cairns,
Richard Davison.
CARLOW.
William Bunbury M'Clintock Bunbury,
Henry Bruen.
CARLOW (BOROUGH).
John Alexander.
CARRICKFERGUS.
William Cary Dobbs.
CASHEL.
Sir Timothy O'Brien, bt.
CAVAN.
Hon. James Pierce Maxwell,
Hon. Hugh Annesley.
CLARE.
Hon. Francis Nathaniel (Conyngham) Lord F. N. Conyngham,
Francis Macnamara Calcutt.

CLONMEL.
John Bagwell.

COLERAINE.
John Boyd

CORK COUNTY.
Richard Deasy,
Alexander McCarthy.

CORK (CITY).
Francis Bernard Beamish,
William Trant Fagan.

DONEGAL.
Thomas Conolly,
Sir Edmund Samuel Hayes, bt.

DOWNSHIRE.
Hon. (Arthur Edwin Hill) Lord A. E. Hill,
William B. Forde.

DOWNPATRICK.
Richard Ker.

DROGHEDA.
James McCann.

DUBLIN.
James Hans Hamilton,
Thomas Edward Taylor.

DUBLIN (CITY).
Edward Grogan,
John Vance.

DUBLIN (UNIVERSITY).
Rt. hon. Joseph Napier,
George Alexander Hamilton.

DUNDALK.
George Bowyer.

DUNGANNON.
Hon. William Stuart Knox.

DUNGARVAN.
Francis Maguire.

ENNIS.
Rt. hon. John David Fitz-Gerald.

ENNISKILLEN.
James Whiteside.

FERMANAGH.
Mervyn Edward Archdall,
Hon. Henry Arthur Cole.

GALWAY.
Sir Thomas John Burke, bt.,
William Henry Gregory.

GALWAY (BOROUGH).
Hon. Ulick Canning (De Burgh) Lord Dunkellin.
Anthony O'Flaherty.

KERRY.
Henry Arthur Herbert,
Hon. Valentine Augustus (Browne) Viscount Castlerosse.

KILDARE.
William Henry Ford Cogan,
David O'Connor Henchy.

KILKENNY.
Hon. Leopold George Frederick Agar Ellis,
John Greene.

KILKENNY (BOROUGH).
Michael Sullivan.

KING'S COUNTY.
Patrick O'Brien,
Loftus Henry Bland.

KINSALE.
John Isaac Heard.

LEITRIM.
Hugh Lyons Montgomery,
John Brady.

LIMERICK.
Stephen Edward De Vere,
Rt. hon. William Monsell.

LIMERICK (CITY).
James O'Brien,
Francis William Russell.

LISBURN.
Jonathan Joseph Richardson.

LONDONDERRY.
Samuel M'Curdy Greer,
James Johnston Clark.

LONDONDERRY (CITY).
Sir Robert Alexander Ferguson, bt.

LONGFORD.
Henry White,
Fulke Southwell Greville.

LOUTH.
Chichester Samuel Fortescue,
John M'Clintock.

MALLOW.
Sir Charles Denham Orlando Jephson Norreys, bt.

MAYO.
Roger William Palmer,
George Henry Moore.

MEATH.
Matthew Elias Corball
Edward McEvoy.

MONAGHAN.
Charles Powell Leslie,
Sir George Forster, bt.

NEWRY.
William Kirk.

PORTARLINGTON.
Lionel Dawson Damer.

QUEEN'S COUNTY.
Sir Charles Henry Coote, bt.,
Michael Dunne.

ROSCOMMON.
Fitzstephen French,
Oliver Dowell John Grace.

ROSS (NEW).
Charles Tottenham.

SLIGO.
Sir Robert Gore Booth, bt.,
Edward Joshua Cooper.

SLIGO (BOROUGH).
John Patrick Somers.

TIPPERARY.
O'Donoghoe, Daniel (The O'Donoghoe),
Lawrence Waldron.

TRALEE.
Daniel O'Connell.

TYRONE.
Rt. hon. Henry Thomas Lowry Corry,
Rt. hon. (Claud Hamilton) Lord C. Hamilton.

WATERFORD.
Nicholas Mahon Power,
John Esmonde.

WATERFORD (CITY).
John Aloysius Blake,
Michael Dobbyn Hassard.

WESTMEATH.
William Henry Magan,
Sir Richard George Augustus Levinge, bt.

WEXFORD.
Patrick McMahon,
John Hatchell.

WEXFORD (BOROUGH).
John Thomas Devereux.

WICKLOW.
Hon. William Thomas Spencer (Wentworth-Fitzwilliam) Viscount Milton,
William Wentworth Fitzwilliam Hume.

YOUGHALL.
Isaac Butt.

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

Second Session OF THE *Seventeenth Parliament* OF THE UNITED KINGDOM OF *Great Britain* AND *Ireland*, APPOINTED TO MEET 30 APRIL, 1857, IN THE TWENTY-FIRST YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FIRST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Thursday, December 3, 1857.

MINUTES.] *Took the Oaths*—Several Lords. 1ª Select Vestries; Religious Worship Act Amendment.

MEETING OF THE PARLIAMENT.

THE PARLIAMENT which had been prorogued successively to the 6th November and 17th December, was summoned to meet this day by the following Proclamation:—

VICTORIA R.

Whereas Our Parliament stands prorogued to *Thursday* the Seventeenth Day of *December* next: And whereas, for divers weighty and urgent Reasons, it seems to Us expedient that Our said Parliament shall assemble and be holden sooner than the said Day; We do, by and with the Advice of Our Privy Council, hereby proclaim and give Notice of Our Royal Intention and Pleasure that our said Parliament, notwithstanding the same now stands prorogued as herein-before mentioned to the said Seventeenth Day of *December* next, shall assemble and be holden, for the Despatch of divers urgent and important Affairs, on *Thursday* the Third day of *December* next: And the Lords Spiritual and Temporal, and the Knights, Citizens, and Burgesses, and the Commissioners for Shires and Burghs of the House of Commons, are hereby required and commanded to give their Attendance accordingly at *Westminster*, on the said Third Day of *December* next.

Given at Our Court at *Windsor*, this Sixteenth Day of *November*, in the Year of our Lord One thousand eight hundred and fifty-seven, and in the Twenty-first Year of Our Reign.

God save the QUEEN.

The Session of PARLIAMENT was opened by the QUEEN in Person.

THE QUEEN'S SPEECH.

The QUEEN, being seated on the Throne, and the Commons being at the Bar, with their Speaker, HER MAJESTY was pleased to make a most Gracious Speech to both Houses of Parliament, as follows:—

"*My Lords, and Gentlemen,*

"CIRCUMSTANCES have recently arisen connected with the Commercial Interests of the Country which have induced Me to call Parliament together before the usual time.

"The failure of certain Joint Stock Banks and of some Mercantile Firms produced such an Extent of Distrust as led Me to authorise my Ministers to recommend to the Directors of the Bank of *England* the Adoption of a Course of Proceeding which appeared necessary for allaying the prevalent Alarm. As that Course has involved a Departure from the existing Law, a Bill for indemnifying those who advised and those who adopted it will be submitted for your consideration.

"I have observed with great Regret that the disturbed State of Commercial Transactions in general has occasioned a Diminution of Employment in the Manufacturing Districts, which, I fear, cannot fail to be attended with much local distress. I trust, however, that this Evil may not be of long Duration; and the abundant Harvest with which it has graciously pleased Divine Providence to bless this Land will, I hope, in some degree mitigate the Sufferings which this State of things must unavoidably produce.

"While I deeply deplore the severe Suffering to which many of My Subjects in *India* have been exposed, and while I grieve for the extensive Bereavements and Sorrow which it has caused, I have derived the greatest Satisfaction from the distinguished Successes which have attended the heroic Exertions of the comparatively small Forces which have been opposed to greatly superior Numbers, without the Aid of the powerful Reinforcements despatched from this Country to their Assistance. The Arrival of those Reinforcements will, I trust, speedily complete the Suppression of this widely-spread Revolt.

"The Gallantry of the Troops employed against the Mutineers, their Courage in Action, their Endurance under Privation, Fatigue, and the Effects of Climate,—the high Spirit and Self-devotion of the Officers,—the Ability, Skill, and persevering Energy of the Commanders,—have excited My warmest Admiration; and I have observed with equal Gratification that many Civilians placed in extreme Difficulty and Danger have displayed the highest Qualities, including, in some Instances, those that would do Honour to veteran Soldiers.

"It is satisfactory to know that the general Mass of the Population of *India* have taken no Part in the Rebellion, while the most considerable of the Native Princes have acted in the most friendly Manner, and have rendered important Services.

"I have given Directions that Papers relating to these Matters shall be laid before you.

"The affairs of My *East Indian* Dominions will require your serious Consideration; and I recommend them to your earnest Attention.

"The Nations of *Europe* are in the Enjoyment of the Blessings of Peace, which nothing seems likely to disturb.

"The Stipulations of the Treaty which I concluded with The Shah of *Persia* have been faithfully carried into execution, and the *Persian* Forces have evacuated the Territory of *Herat*.

"*Gentlemen of the House of Commons*,

"I have given Directions that the Estimates for the next Year shall be prepared for the Purpose of being laid before you.

"They will be framed with a careful Regard to the Exigencies of the Public Service.

"*My Lords and Gentlemen*,

"Your Attention will be called to

the Laws which regulate the Representation of the People in Parliament, with a view to consider what Amendments may be safely and beneficially made therein.

"Measures will be submitted for your Consideration for simplifying and amending the Laws relating to Real Property, and also for consolidating and amending several important Branches of the Criminal Law.

"I confidently commit to your Wisdom the great Interests of My Empire; and I fervently pray that the Blessing of Almighty God may attend your Counsels, and may guide your Deliberations to those Ends which are dearest to My Heart—the Happiness and Prosperity of My loyal and faithful People."

HER MAJESTY then retired.

ADDRESS IN ANSWER TO THE SPEECH.

The QUEEN'S Speech having been *reported* by the LORD CHANCELLOR,

LORD PORTMAN: My Lords, in rising to move the Address in answer to the Speech from the Throne, I must in the first place apologise for occupying the position which is usually filled by one of the younger members of your Lordships' House, who has thus the opportunity of manifesting those talents and abilities which would enable your Lordships to form an opinion how far he may be able, in the progress of his public life, to make himself useful in the deliberations of your Lordships' House. I can, however, assure your Lordships that I have occupied this place on this occasion, not in the capacity of a volunteer, but in obedience to the request of Her Majesty's Ministers, who thought it fit that under existing circumstances, one of the older members of your Lordships' House should call your attention to those important subjects to which Her Majesty has adverted in the Speech to which your Lordships have just listened; and I trust your Lordships will extend to me that indulgence which for 35 years I have invariably received, and I on my part will promise in return to act in accordance with the rule by which my Parliamentary conduct has hitherto been guided; for I have never been in the habit of occupying your attention one moment longer than was necessary, and have never obtruded myself in long discussions on those matters which are better left to men better qualified to deal with them; and I hope that if in the course of the observations I have to offer to your Lordships' consideration I should say one word inadvertently, certainly unintentionally, which would provoke irritation or difference of opinion, it will be attributed to my inadvertence, and may in no way militate against that unanimity and good feeling which it has been the anxious wish of those who have prepared Her Majesty's Speech to secure. My Lords, having said thus much upon my own behalf, I shall proceed briefly to call the attention of your Lordships to the various subjects which are alluded to in the Speech from the Throne. My Lords, the first of these subjects is one intimately connected with our internal commerce, and is that which has led to the meeting of the Legislature at so unusual a period of the year—it was the duty of Her Majesty's Ministers to call Parliament together, for no one can doubt that if they were justified in violating the provisions of an Act of Parliament, it was equally incumbent upon them to afford as soon as possible to Parliament an opportunity of signifying either its condemnation or its approval of such an infraction of the law. For my own part, my Lords, I believe it to have been absolutely necessary that Government should have authorised that step, which, at a moment of commercial panic, had the effect of enabling men of business, as it were, to breathe anew, and of arresting by the mere issue of that letter addressed to the Directors of the Bank of England that panic which had been so rapidly gaining ground. Your Lordships are all probably much better than I am, aware that the position of the money-market in the United States had led to the prevalence of the utmost anxiety throughout that vast country, and that in the Southern States the respective Governors had issued orders not only sanctioning the suspension of payments in specie, but stopping the collection of the taxes, that specie might not be withdrawn from those persons who possessed it, and the extent of the panic, as a consequence, is thereby increased. They had stated in so many words that the safety of the Southern States depended upon the

suspension of payments in specie, in order to prevent the removal of specie into the Northern States; such a state of things in America could not fail to re-act on Europe. Whether the panic which has prevailed in America was brought about by an excessive expenditure, or a high rate of interest, or by an extravagant mode of living, I will not pretend to say, but to each of these causes I may observe its existence has been attributed. Be that as it may, however, so great a disturbance in the commercial affairs of the United States could not fail to exert an influence upon the business transactions of this country and of Europe. The result was that the Directors of the Bank of England came to the resolution—as I think, wisely—to raise the rate of discount, and by that means to place a check upon the exportation of gold from the kingdom. That measure was not, however, found sufficient to allay the feeling of anxiety which pervaded the whole commercial community. Something more was wanting to check the hoarding of specie, which could not fail to produce a bad effect. It was not like a chronic disease which could await the careful and deliberate attention of the physician, but it was a case which required the active hand of a skilful surgeon; yet it was necessary to deal with it on the moment in no speculative spirit, but with a care and a judgment guided by experience. Now, my Lords, Her Majesty's Government had the benefit of experience in this matter. In 1847, on occasion of the panic which then took place, the same step was taken by the Ministry of that day. Both Houses of Parliament then appointed Committees to inquire into the subject. The Committee of your Lordships' House entered into a most minute and elaborate inquiry, and examined all the men most competent to give advice; but though they made various recommendations, they proposed no enactment. The Committee of the other House also not only resolved not to suggest the passing of an Act of Parliament, but distinctly recommended that when any emergency arose, the responsible Ministers of the Crown should apply such a remedy as appeared to them most likely to prove efficacious, and then appeal to Parliament for an indemnity. My Lords, in the present instance Her Majesty's Government have adopted the course recommended by the Committee of the House of Commons, and the effect of the course they have taken has been as nearly as possible the same as was described by my noble Friend (Lord Overstone) when examined as a witness on this matter, to have taken place in 1847. My noble Friend on that occasion said, the Ministerial Letter of 1847 did not create money, but it gave confidence; it told the whole community that money might be had; hoarding immediately ceased; and the pressure from all the country Banks and mercantile houses was speedily removed. Under such circumstances, my Lords, I think it was not unnatural that the Government should anticipate that Parliament would be disposed to indemnify them for the course they have taken. It is not, however, sufficient that we should merely consent to pass an Act of indemnity. Your Lordships will probably feel, as the Committee of the other House felt last year, namely, that they had not sufficiently investigated the subject to justify them in coming to a conclusion; and the Committee therefore desired to be reconstituted during the present session for the purpose of further inquiry. If Parliament is to be called upon again to examine this subject (a point, however, upon which I know nothing), we must look at it with great care and caution; and, above all things, I hope you will unanimously be of opinion to maintain the convertibility of the bank note; and thus not to run the risk of again subjecting the country, after so many years of prosperity, to the danger of that suffering which I am old enough to remember to have followed the depreciation of the paper currency when it was necessary to return to specie payments, a change estimated at 3 per cent, which, however, cost all debtors more nearly 33 per cent. I trust that, remembering those sufferings, we shall maintain our present position, and not again consent to the issue of an inconvertible paper. It may be that the limit upon the issue fixed by the Act of 1844 is too narrow a one. I am not prepared to say deliberately that it is; but it seems impossible not to allow that the difference in the range of prices and in the number of commercial transactions between 1844 and 1857 may have rendered the restrictions enforced by Sir Robert Peel's Act too narrow for carrying on properly the largely-increased business of the country. That is a subject well worthy of consideration, and if it be found that the panic has been increased by the narrow limit in question,

it might be wise to consider whether it may not be more extended, and instead of that being taken as the measure which was thought sufficient in 1844, it may not be expedient to take another more suited to the extended character of our commercial transactions. I am not, my Lords, bold enough to venture upon a discussion of the causes which have led to the present state of commercial depression; but it is impossible to deny that among some of the great commercial establishments which have recently closed their doors there is a semblance either of fraud or of extreme mismanagement which calls for serious consideration. As yet, I believe, none of these cases have been brought under the cognizance of courts of justice, and therefore it would be wrong to assume that that which on the face of it looks like fraud really is so. There may have been merely errors of judgment, such as in all large concerns of this kind are perhaps inevitable; but if it turns out that the management of these establishments has been characterized by something worse, I hope Parliament will carefully consider whether some means cannot be adopted to check such a state of things. Of one thing there seems no doubt—that the money of the depositors and of the shareholders have in many cases been lent upon insufficient security. If, however, on viewing the causes of the crisis generally, it shall be found that as a nation we have been indulging too much, that we have been too luxurious, and that the day of reckoning has now come, I hope we shall look it boldly in the face and deal with it as honest men. It is, my Lords, impossible not to know that as a necessary consequence of commercial depression, there must needs exist considerable distress among the operative classes. I believe we may safely conclude that such distress is at present but local; that there are parts of the country in which no pressing distress exists, and other parts in which there is considerable prosperity. But distress is not a matter which admits of averages; it is an individual question, pressing upon the man who suffers, and to such a man it affords no consolation to know that other operatives in other places are not suffering like himself. The distressed workman, then, must receive every assistance which it is possible to give him; and I am sure that no one engaged in manufactures will continue the "short time" system one moment longer than is absolutely necessary, and thus aggravate the sufferings of those who in prosperous days helped so largely to increase the manufacturer's wealth. But, my Lords, in all the distress now prevalent or hereafter to be apprehended, we have at least this great consolation—that we are not likely to witness such scenes of disorder as characterized the younger days of those whom I now address. It must be a matter of great satisfaction to your Lordships that the working classes of the present day are not likely to be led away by violent and intemperate men, such as those who a few years since exercised so great and injurious a sway over those who were then comparatively an ignorant class; at the present day the operatives well know that no man can carry on business unless he makes a fair profit, and that the factory doors are only closed because the hands cannot be profitably employed. I trust the body of the people are satisfied that it is not a question of price, but a question of profit which determines these matters. Men may do exceedingly well with low prices, provided the profit be reasonable and substantial. For instance—and it is a great subject for congratulation—it has pleased Providence to bless this country with an abundant harvest, and thus, though the prices are low, there remains a fair margin of profit to the cultivator; and I am sure that the holders of land are not as a class desirous of high prices—all they desire is such a steady and moderate price as will enable them to carry on their business with advantage to themselves and to the consumers, for we all know that those who live on fixed incomes as well as those who live on small wages, and generally to the consumer, it is of consequence that price should be as low as possible so far as is consistent with the expenses of the producer. I cannot, my Lords, leave this part of the subject without pointing to another great cause of satisfaction at the present moment—that we have not now upon our statute-book any enactment which can be interpreted as enhancing the prices of any commodity for the benefit of a certain class. In the midst of all his distress the operative cannot now say that, in consequence of any law now in force he pays a farthing more for his food than the price as fairly regulated by supply and demand. My Lords, I have no doubt that when you come to consider matters which arise out of these commercial disasters you will adhere to good

and sound principles and will attend with the greatest care to all details which have an important bearing on the subject, for well-arranged minute details tend much more than large measures ill-concerted in detail to make a people happy and contented. In touching upon domestic concerns I may congratulate your Lordships and the landed interest of the country on the probability that a measure for simplifying the transfer of real property is likely now to be enacted. More than twenty years ago some noble Lords now present took an active part in endeavouring to procure some simplification of this branch of the law; but all they were able to accomplish was that which is known as Lord Tenterden's Act, which, simple as it appears to be, has, I believe, proved of very little use except to the holders of very small plots of land. Another subject of domestic interest which is referred to in Her Majesty's Speech is the consolidation of the criminal law. As far as this House is concerned, your Lordships will recollect that during the last session of Parliament your Lordships agreed to measures with this object, and sent them down to the other House, where time could not be found for considering and passing them into law. I trust, however, that during the present session a consolidation of the criminal law will be effected, for those whose duty it is to carry out the law in the various districts of the country will appreciate as a great boon the consolidation of the multitude of statutes relating to criminal offences. There remains, my Lords, only one subject on this part of Her Majesty's Address to which I need refer—namely, the allusion made in Her Majesty's Speech to the laws which regulate the representation of the people in Parliament. I am happy to say that that paragraph is worded in such a manner that I do not doubt that your Lordships will agree unanimously to the form of the Address to Her Majesty, merely admitting as it does, that it is desirable to examine into the statute in the same spirit and with the same degree of care that your Lordships would examine any other statute in the statute book. My noble Friend opposite, now looking so steadfastly at me (Lord Derby), will remember that we had long and exciting discussions at the time the statute was passed on the subject of popular representation, and that we then fought side by side to carry the Bill, obliged as we were to set aside minor defects: though we foresaw they would require to be amended, yet we hoped the time would come to correct them, and at this time I trust that such excitement having now ceased, it will be easy to remedy the blots and errors which were committed when Parliament previously legislated upon this important question. My noble Friends opposite were aware that at that time many suggestions which have not worked well were accepted because it was not thought desirable by the supporters of the measure to insist upon minor details; but in these calmer days I believe that Parliament will readily endeavour to correct any mistakes which may have been found from experience to have been committed. I am ready to allow, however, that topics of great importance may arise in the discussion of this subject, and all I ask your Lordships to do at present, is to admit the fact that there are errors in the statute which they are prepared to consider and amend. I know nothing of the scheme of the Government. I reserve to myself to examine it in due time, and however much I may wish for an extension of the franchise, on this occasion I ask only its consideration, and beg to express my hope that no one will attempt to raise the alarms of 1831, or to distrust the people of England. And now I may be allowed to trouble your Lordships for a moment or two upon another point referred to in the Royal Speech, although it is scarcely a legitimate subject of discussion in your Lordships' House. It is a subject usually left to the House of Commons; but this House has an undoubted right to enter into discussion and to make what comments we may think fit. I allude to the paragraph which informed the other House that the Estimates for the next year will be framed with a careful regard to the exigencies of the public service. I am sure that no man will grudge whatever expenditure may be necessary for the public service; but I think no one can for the last few years have looked at one branch of the Estimates called the "Miscellaneous Estimates," without feeling that they are augmenting at a fearful rate. I cannot but think it is the duty of those who control the expenditure not to require from the taxation of the country one farthing more than is absolutely necessary for miscellaneous purposes, at a time when such heavy outlay is required for the maintenance of the army and navy; and I believe that a searching inquiry into the

Miscellaneous Estimates would show that, without inconvenience, a more economical system might be adopted. It now only remains for me, my Lords, to bring under your Lordships' notice that overwhelming topic which has engrossed the attention of nearly every man, not only in this country, but I believe I may say throughout the civilized world. How can I describe the state of India? How can I picture the anxiety of heart of every man who has a relative or friend in India? The subject, my Lords, is almost too much for any one to grapple—it certainly is more than I can hope adequately to deal with; for, although I feel deeply upon it, I am to a great extent unacquainted with details which are necessary to its full consideration. In approaching this subject we have to apply great and general principles to a country with which very few of us, probably, have any personal acquaintance—indeed, the great majority of us have to take the little we know upon the credit of those amongst us who have visited that great territory. We are obliged therefore to proceed somewhat in the dark, but for that very reason I am induced to hope that we shall proceed with the greater caution. My Lords, there can be no doubt that it is absolutely necessary to inquire accurately as to the best mode of administering the government of that extensive country, and the subjects which will claim our attention will be manifold. We have to consider how we can improve the civil and military establishments of the country—how we can best regulate and modify the collection of the revenue so as to be as little injurious to the people as possible—we have to look to the commerce of that immense empire, and the requisite securities to be given to its trade—we have to consider the best means for securing the happiness of the Natives; and we have to consider in what manner and to what extent the management of that portion of the Queen's dominions can affect the interests of the United Kingdom. These are important topics, with which it will be necessary to deal when we apply ourselves to legislate for the British possessions in India. They have been before Parliament in former times, but they now require to be carefully and calmly considered. I am satisfied that, whatever may be the result of your Lordships' deliberation, you will be prepared to make every sacrifice for the advantage of the empire and the welfare of the Natives of our distant dominions. To show how injudicious it is to argue absolutely upon a subject of this nature, I may read to your Lordships an extract from a speech delivered by Mr. Wilkes in 1783, which proves the danger of prophecies as to the best mode of dealing with such an empire as India by men who were themselves unacquainted with that country. Mr. Wilkes said,—

> "One only resource will remain in the great revolution of human events, which the womb of time may bring forth, a circumstance not to be regretted—perhaps to be wished—by the real friends of humanity. It is an event possibly not very distant, that the English may be entirely swept away from the countries in the East. The peaceful natives will then be at rest, happy under the mild government of their own princes. Commerce will then no longer be fettered by a monopoly, but spread its swelling sails as freely over the Gulf of Bengal and the Indian seas as on the coast of China and Japan, on the Atlantic, or the Mediterranean."

Now, my Lords, we are in a position to judge of the wisdom of such a prediction. If the result had been such as Mr. Wilkes contemplated where would have been the rest of the peaceful Natives?—what would have been the mild government of their own princes? A very different state of things from that anticipated by Mr. Wilkes has arisen, and the peaceful Natives, so far as could be judged, were most averse from the government of Native princes and of a Sepoy army, and desired to enjoy the protection of the British Government and European troops. There is another matter, my Lords, which we must not omit to bear in mind. It is impossible to govern so great a country as India without a very expensive establishment, and it is impossible to frame any establishment for India, unless, in framing it the necessity is kept in view of maintaining not only the connection, but the distinction also, between the territory and the commerce of that part of the empire. Looking at this matter, your Lordships have to deal at one and the same time with the Army and with the Civil Service. I will here trouble your Lordships with another extract, which I have taken from the magnificent Despatches of the late Duke of Wellington, and with which I was struck while reading those despatches last autumn. [The noble Lord here read an extract from one of the Duke of Wellington's Despatches in which the noble Duke, on the 27th December 1804, pointed out the necessity, for the future, of doubling or trebling the system of reliefs.] These were the words of Arthur Wellesley in India in 1804, and I believe that the late Duke of Welling-

ton, were he among us now, would address us in these, or in terms entirely to the same effect. With regard to the Civil Service of India, I trust, that when that important subject comes under discussion it will not be hastily disposed of, and that attention will be paid to another hint of Arthur Wellesley, in a letter dated 18th April 1804. Many specious theories have been started by persons who pretend to know a great deal about it, and write fine letters to the newspapers; possibly, if those persons were submitted to a cross-examination before Parliamentary Committees, and their statements sifted, they might be able to give useful information; but he trusted that neither their Lordships nor those who read those articles would hastily make up their minds on the subject, far less would come to the House with minds prepossessed by schemes put forth by such persons. Many things require to be temperately examined before any change is made—if any change at all should be made—for I am not assuming that there is to be a change; but what I wish is, to impress on your Lordships the necessity of not making any change except after the most calm, deliberate, and full examination. No theoretical perfection can be obtained; we must select our measures as well as we can, and their value must be tried by the event. Connected with this matter there is another which it is impossible in a Christian country for a member of a Christian Legislature to hesitate about adverting to. I refer to our duty as Christians. In our belief there is no other religion which ought to be preferred to Christianity; yet I believe that Europeans have not been allowed to manifest their religion unreservedly in India, and that converts to Christianity have been inclined to hide their religion. We know that Hindoos and Mahomedans have been preferred for appointments to the Christian converts, and I do not think that that ought to be so whenever the Christian holds an equally good position with the Hindoo or the Mahomedan. At the same time I am by no means prepared to go the length of saying that you ought to prefer the Christian to the Hindoo or the Mahomedan if he is not equally fitted for the public service, but all I say is, that *cæteris paribus*, the Christian ought to be taken rather than the others for the public service of the Government. For the effect of our course on that subject hitherto both in the Civil Service and the Army, has been to throw, at least, the imputation of inferiority on the Christian as compared with the Hindoo and the Mahomedan. For when the punishment of flogging was abolished as regards these latter named men, it was continued to be used on the Christian converts. I think, however, that a change ought to be entered upon with the greatest possible care, for if we attempt to precipitate the conversion of the Hindoo and the Mahomedan, we shall not be doing what is right or politic; but I think we ought to do all that we can with safety and justice to maintain and extend the Christian religion, but not by the authority or direct influence of the Government. I deprecate, however, any antagonism in India on matters of religion, such as we have in this country, and the squabbles and sectarianism that divide us, and that in every effort we make to convert the heathen we shall take the Bible as our guide, and that we shall proceed with judgment, and great care, and without flinching. My Lords, having said these few words relative to the expressions in the Speech from the Throne respecting India, I cannot sit down without directing your Lordships' notice to other parts of the Speech, in which Her Majesty expresses her great gratitude for the services performed by her troops, and for the high qualities displayed by those civil servants who assisted in carrying on the government of India under great disadvantages during this crisis. My Lords, I cannot find expressions adequate to convey my admiration of the glorious and distinguished deeds of our soldiers in India—they have covered themselves with renown. When we see the multitude of good men, many of them risen almost from the ranks, who have shown what they could do in a season of danger and emergency, we must feel proud that the country possesses individuals capable of performing such services. I will not presume to mention many names, for it would be injustice to prefer one to another; but I may be permitted to observe that amongst the most distinguished men now carrying on the operations in the war, Havelock and Greathed are remarkable. Both of them are men of Christian principle, and know that not in man, but in the Lord of Hosts lies their strength and the hope of their country. But what shall I say of the sufferings which the people of this country who have relatives in India have endured? One case may illustrate many. I am ac-

quainted with one who is a widowed mother, who had to grieve over the loss of one of her sons in the last war. Three other sons—the only other sons that she had—were before Delhi. One was shot down before the Cashmere-gate, but still lives; another fell a victim to his anxiety in the discharge of his duty, and was carried away by the cholera; the third is one of the most distinguished of our generals, and the leader of a column. Cases like that are rife among us. She is able to bear her anxiety with patient submission to the will of God. How many poor women, wives, mothers, sisters, less educated have but little consolation that can lessen their sorrow. But while I look with horror at the many atrocities which have been perpetrated in India, and though I will not harrow your Lordships' feelings by any appeals to your pity, I will yet apply the words of the poet in speaking of them—

"Ausi omnes immane nefas, ausoque potiti.
"Non, mihi si linguæ centum sint, oraque centum,
"Ferrea vox omnes scelerum comprendere formas,
"Omnia pœnarum percurrere nomina possim."

My Lords, it is matter of sincere congratulation that, as stated by Her Majesty, the people of India generally, have taken no part in this rebellion. I wish I could believe that their abstention is to be attributed rather to their love for our rule than to their fear of our power; but I am afraid, that many years must yet elapse before we can look for any affection on their part towards us. The conduct of the Native princes has been described by Her Majesty in far better terms than any I could use. My Lords, I cannot sit down without saying one word in deprecation of the condemnation which has been attempted to be passed on the Governor-General of India. I can never admit that it is fair to condemn a man in his absence, in ignorance of all the facts and circumstances, when no one here can know the difficulties in which he has been placed, the anxieties to which he has been subjected, or can honestly say what his own conduct would be in similar circumstances. I believe Lord Canning has done his best, has made the best use of the small forces at his command, has, on the whole, exercised a sound discretion. I believe that those around Lord Canning have found him calm and considerate, earnestly endeavouring to use the abilities which God had given him for the advantage of his country. When Lord Canning was sent to India, who could have looked forward to the outburst of a rebellion like this, or who could have been prepared to meet such a state of things? Lord Canning, doubtless, imagined that his chief duty would be to conduct the government of a peaceful empire, and to carry out and complete those great measures of improvement originated by his predecessor for the benefit of India; but, notwithstanding, I believe it will be found, when we come to the end of this rebellion, that the Governor General, instead of our censures, will deserve our warmest thanks. At the same time, I am bound to say, that to bestow indiscriminate praises upon Lord Canning at the present juncture, and in his absence, would be as unwise and unfair as to pass upon him a wholesale condemnation. Many persons have stated that they know the causes of all these difficulties in India, but, for my own part, I am inclined to think that those causes cannot be discovered so easily as some people seem to imagine. I recollect a very sudden and painful outbreak in the western districts of this country. All kinds of reasons were assigned for that disturbance; but I remember that a friend of mine, a Member of the House of Commons, asked me when I returned from my county, where I had been actively employed in suppressing the riots, what was the cause of that outbreak. I told him that I did not know the exact cause; but I did know that there existed an impression on the part of the people, that, to use their own expression, "their time was come." Might not the military revolt in India have arisen in like manner, from an opinion among the Sepoys that we were much occupied elsewhere, that our army was small, that, in short, "their time was come?" But I would suggest to your Lordships, that the endeavour to search too deeply into the causes of this insurrection is well illustrated by an observation of the same distinguished Member of the House of Commons (Sir James Macintosh) to whom I have referred. "People," he said, "are too apt to do that which a philosopher once did, when he saw a labourer sharpening his axe upon a grindstone. He desired to know how the axe was sharpened, and for that purpose wished to break the grindstone, that he might see what was inside. Upon that the man who was sharpening the axe said, 'The causes are on the surface; pray don't break the grindstone.'" The fact is, we are in the habit of looking

too deeply for causes, and in most instances would succeed much better if we examined more carefully the surface of things. My Lords, there is only one other topic in Her Majesty's Speech to which I need refer, and happily, it is one of consolation—namely, that we are at peace with all the European Powers, and that there is nothing likely to disturb the tranquillity which prevails. After all we have gone through of late years, and all we are even now undergoing, it is highly satisfactory to know that we are on the most amicable and friendly terms with our allies. I trust that peace will long endure, and that especially nothing will occur to interrupt the good feeling which exists between the Emperor of the French and this country. I hope, also, that the alliance which is so soon to be formed with the Royal Family of Prussia may tend still further to cement and consolidate the peace of Europe. The noble Lord concluded by thanking the House for their kind attention, and *moved* an humble Address to Her Majesty in answer to Her gracious Speech from the Throne.

The following is a copy of the Address agreed to.

"Most Gracious Sovereign,

"We, Your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal, in Parliament assembled, beg leave to offer our humble Thanks to Your Majesty for the gracious Speech which Your Majesty has been pleased to make to both Houses of Parliament.

"We humbly thank Your Majesty for informing us of the Causes which have induced Your Majesty to call this Parliament together at the present Time; for informing us that the Failure of certain Joint Stock Banks and of some Mercantile Firms has produced such an Extent of Distrust as led Your Majesty to authorize Your Ministers to advise the Directors of the Bank of *England* to adopt a Course of Proceeding which appeared necessary for allaying the prevalent Alarm; and for intimating to us that a Bill for indemnifying those who advised and those who adopted that Course of Proceeding, involving as it did a Departure from the existing Law, will be submitted to our Consideration.

"We assure Your Majesty that we participate in Your Majesty's Regret that the disturbed State of Commercial Transactions in general has occasioned a Diminution of Employment in the Manufacturing Districts, which, Your Majesty fears, cannot fail to be attended with much local Distress; and at the same Time we assure Your Majesty of our Concurrence in the Hope which Your Majesty has expressed that this Evil may not be of long Duration, and that the abundant Harvest with which it has graciously pleased Divine Providence to bless this Land will in some degree mitigate the Sufferings unavoidably produced.

"We assure Your Majesty that while we join with Your Majesty in deploring the severe Suffering to which many of Your Majesty's Subjects in *India* have been exposed, and in lamenting the extensive Bereavements and Sorrow that have been caused, we share the Feeling of Satisfaction which Your Majesty has derived from the distinguished Successes that have attended the heroic Exertions of the comparatively small Forces which have been opposed to greatly superior Numbers, without the Aid of the powerful Reinforcements despatched from this Country to their Assistance; and, with Your Majesty, we trust that the Arrival of those Reinforcements will speedily complete the Suppression of this widely-spread Revolt.

"We humbly express to Your Majesty our cordial Concurrence in Your Majesty's Admiration of the Gallantry displayed by the Troops employed against the Mutineers, their Courage in Action, their Endurance under Privation, Fatigue, and the Effects of Climate, the high Spirit and Self-devotion of the Officers, and the Ability, Skill, and persevering Energy of the Commanders; and we also humbly express our cordial Concurrence in the equal Gratification with which Your Majesty has observed that many Civilians

placed in extreme Difficulty and Danger have displayed the highest Qualities, including, in some Instances, those that would do Honour to veteran Soldiers.

"We humbly assure Your Majesty that we partake in the Satisfaction with which Your Majesty remarks that the general Mass of the population of *India* have taken no Part in the Rebellion, while the most considerable of the Native Princes have acted in the most friendly Manner, and have rendered important Services.

"We humbly thank Your Majesty for having directed that Papers relating to these Matters shall be laid before us.

"We humbly assure Your Majesty that we will give our earnest Attention to the Affairs of Your Majesty's *East Indian* Dominions.

"We humbly express to Your Majesty our Gratification that the Nations of *Europe* are in the Enjoyment of the Blessings of Peace, which nothing seems likely to disturb.

"We humbly express our Gratification that the Stipulations of the Treaty which Your Majesty has concluded with The Shah of *Persia* have been faithfully carried into execution.

"We humbly thank Your Majesty for informing us, that our Attention will be called to the Laws which regulate the Representation of the People in Parliament, with a view to consider what Amendments may be safely and beneficially made therein; and that Measures for simplifying and amending the Laws relating to Real Property, and also for consolidating and amending several important Branches of the Criminal Law, will be submitted to our Consideration.

"We humbly thank Your Majesty for assuring us, that Your Majesty confidently commits to us the great Interests of Your Empire; and, in common with Your Majesty, we fervently pray that the Blessings of Almighty God may attend our Counsels, and may guide our Deliberations to those Ends which are dearest to Your Majesty's Heart, the Happiness and Prosperity of Your loyal and faithful People."

Lord CAREW: My Lords, in rising to second the address which has just been proposed to your Lordships, I must beg to claim that indulgence which your Lordships always extend to a peer who addresses you for the first time; more especially as I follow a noble Friend who has so much larger an experience than myself, and who is frequently in the habit of addressing your Lordships' House. My Lords, I think that, perhaps throughout the whole period of our Parliament history no greater necessity for the immediate superintendence of the Legislature has occurred than has arisen within the last few weeks. The Speech from the Throne, among other matters of great interest and importance, has presented four principal subjects for the particular attention of your Lordships. These are, first, the condition of the country in regard to its mercantile and monetary affairs; secondly, the state of our Indian Empire; thirdly, the state of our foreign relations; and lastly, the proposed measures of domestic legislature and the consideration of the laws which regulate the representation of the people in Parliament. My Lords, I am happy to find that the second of these subjects is not the one on account of which Her Majesty has found it necessary to summon Parliament together, and that the latest news from India authorises the hope that a satisfactory state of things has been already re-established in that country, in lieu of the more complicated distresses which prevailed a few weeks since. It is on account of the first subject referred to in the Speech that Parliament has now met. My Lords, it cannot be denied that an unusual depression in the money market and a most threatening aspect of affairs in the commercial world have arisen. This derangement of commercial affairs is, no doubt, much to be deplored; but the same thing has frequently occurred before, and your Lordships have reason to hope that as on all occasions before, the pressure will prove but temporary. I am happy to be able to inform your Lordships that in the country with which I am more particularly connected, the disasters which have unfortunately taken place here, have not been felt to any considerable extent—a fact which I believe is chiefly to be attri-

buted to the thrifty and industrious habits of the Irish mercantile community and to the absence of that system of over-speculation which has been found to exist on this side of the channel. Surely he might be permitted to dwell with satisfaction on this one bright spot in the aspect of our affairs. This, however, appears to be the reason why Parliament has been called together at this unusual season. Her Majesty takes occasion further to express her regret that this mercantile depression should have occasioned a diminution of employment. It is, no doubt, a matter of deep regret that the operatives in the manufacturing districts should be even partially unemployed, and no doubt your Lordships will join with Her Majesty in the hope that such a state of things will not long continue.

The next subject referred to in Her Majesty's Speech, was that which had already been so much before the public—the state of India. It is not my intention to enter minutely into the subject of the Indian mutiny, the details of which have been so graphically described by the press and in letters which have been received by many of your Lordships from relatives and friends in India. The harrowing particulars of the enormities which have been perpetrated at Cawnpore and Delhi, and the brilliant victories which have signalised our arms are alike familiar to your Lordships and the country; and it is to be hoped that for some years at least we shall maintain in India such a force as will render the recurrence of such events almost, if not altogether, impossible. Her Majesty's Government, I think, deserve great credit for the rapidity with which troops have been despatched to India and for the large numbers in which they have been sent thither. It is also matter for congratulation that the treaty with Persia has been fully carried out, and that we may now hope to find in that country, instead of a foe, an ally, who will purchase our manufactures, and probably afford us other valuable assistance. After the scenes which we have witnessed during many years we have cause to rejoice "that the nations of Europe are in the enjoyment of the blessings of peace, which nothing seems likely to disturb;" and it is to be hoped that this state of things will long continue. Your Lordships, as the heads of your respective families, know that nothing so much promotes the interests of all members of their houses as concord; and this position was equally applicable to the several nations of the European family. Her Majesty had next called their attention to the laws which regulated the representation of the people in Parliament, with a view to the consideration of changes which may be deemed necessary therein. As the world is constituted nothing can always remain the same. Times change, and it is frequently necessary to alter laws so as to make them meet the exigencies of the country. The Government, I think, deserve great credit for the course which they have adopted with respect to this subject. They might have urged that the state of India and the necessary legislation upon commercial and monetary matters would fully absorb the attention and occupy the time of Parliament. But no such plea has been put forward. This shows that there is energy and activity in high places, and proves that we can not only show a bold front to our enemy in the distant fields of India, but can at the same time energetically and honestly deal with the domestic economy of our national affairs. What changes in our representative system will be proposed it is impossible for me to say. They will at the proper time be presented to your Lordships by those who were responsible for them. In seconding the address which has just been addressed to your Lordships by my noble Friend I will conclude by saying with confidence that Her Majesty may be assured that no assembly of her subjects has more at heart the prosperity of this country and its vast possessions, and the individual happiness of the Royal Family and of the people, than have your Lordships' House.

The Earl of DERBY: My Lords, I have now had an experience of Parliamentary life of upwards of thirty-six years, and in that time I have witnessed many periods of great political excitement, many of great national anxiety, and some of even great national alarm; but it never occurred to me at any period to enter upon a Session of Parliament under circumstances of such varied anxiety and of such almost unvaried gloom as those which surrounded the meeting of the Parliament which has been thus suddenly and prematurely called together. My Lords, upon most previous occasions the attention of Parliament has been absorbed by some one great and overwhelming subject, which has attracted to itself all the solicitude of

the country. In 1825 it was commercial, and in 1847 agricultural distress; in 1829 the Roman Catholic Relief Bill; in 1830 and in 1848 the state of affairs upon the Continent, and that revolutionary spirit which during those years upset many of the thrones of Europe, but which in this country, thanks to our constitution, to its safer and more modified forms, and to the infusion of a considerable democratic element into the Legislature, served to bring out in signal and glorious relief the reliance of the people and the Crown upon their liberties and prerogatives; in 1841 the change of Government which took place when the late Sir Robert Peel succeeded to office; in 1846 the great change in the commercial legislation of this country which was effected by the repeal of the corn laws; in the same and subsequent year the overwhelming calamity of the Irish famine. In almost every one of the periods of excitement and anxiety which I can remember there has been some single cause which has monopolized and fixed upon itself the attention of Parliament and the country. But now, my Lords, we have a complication of misfortunes—now we have a variety of anxieties, such as I never witnessed upon any previous occasion. We have deep and overwhelming commercial distress and disturbance at home. We have an Indian empire shaken to the very foundations abroad. It is under these circumstances that Parliament has been called together, and I am therefore not surprised that the greater portion of Her Majesty's Speech should be devoted to these two overwhelming and calamitous topics. But before I follow previous speakers into the discussion of these subjects, let me say one word upon that which my noble Friend who moved the Address has with great felicity of expression called the only happy part of Her Majesty's Speech. I refer to that very short and simple part of the Speech, to that singularly curt and abrupt paragraph in which we are informed that—

"The nations of Europe are in the enjoyment of the blessings of peace, which nothing seems likely to disturb."

I must say that looking to the state of this country I think that this fact might have been expected to have called forth some fuller expression of satisfaction on the part of the Ministers and of the Crown than is to be found in the simple announcement of this paragraph. My Lords, although I have the greatest confidence in the resolution, in the resources, in the firmness, and in the spirit of this country, I do not hesitate to say that nothing could have tried that spirit and those resources so deeply and almost so fatally as the addition to the calamities of commercial distress at home, and a war of fearful magnitude in India, which compels us to strain to the utmost our military resources—of the still further calamity of a War in Europe, in which, almost of necessity, we should have taken part. Having that feeling—and it is no discredit to the country to admit that under such circumstances our energies would have been taxed to the utmost—I think that Her Majesty's Government might, at all events, have expressed their satisfaction that they were relieved from such a calamity as an European war, and that the countries of Europe were enjoying the blessings of profound peace. But, my Lords, the paragraph, as it is worded, bears a tone of disappointment and mortification. It almost breathes the spirit of the noble Viscount at the head of the Government. It would almost appear as if it was a calamity to Her Majesty's Ministers that there is no quarrel in Europe in which they might take part. The nations of Europe are at peace, which nothing seems likely to disturb. My Lords, I believe that if the noble Viscount at the head of the Government cannot disturb the peace of Europe no one else can. But if Her Majesty's Government are desirous of maintaining the great blessing of peace—if they are anxious to keep upon good terms with those nations with whom we are now happily at amity, I think it would be wise to forbear on public occasions from taunting expressions with regard to the supposed military habits of other countries, and from adopting—when, as we are told, we are friendly with all—a tone of defiance against any Power which might take advantage of our present difficulties and take up arms against us. That tone is, I say, unworthy of a Prime Minister. It was a bravado wholly uncalled for by the circumstances, and could have no effect upon any nation in the world except to give personal offence, unless indeed it were to excite a suspicion that such unnecessary bluster was perhaps resorted to in order to cover an inherent sense of weakness. But this is, however, the only paragraph in Her Majesty's

Speech in which foreign affairs are in the slightest degree adverted to. Rather hard is it, my Lords, on my noble Friend Lord Elgin, for instance, who is placed in a position at once the most ridiculous that could be imagined, if it be not also the most painful—that the affair in which my noble Friend is engaged should find no mention in this document. This is the third Queen's Speech that we have had in the course of the present year, and in that brief period, unless my memory fails me, there have been discussions on subjects which led to the dissolution of Parliament and the formation of the present Government—discussions in which it was said that the honour of the British flag was imperilled—that a single moment's hesitation, even so far as to write home for orders before signal and summary vengeance was inflicted, was a discredit and disgrace to this country. Well, how does the matter now stand? There is not a single word about China in the Speech, not a syllable about Sir John Bowring, and the attack upon Canton—not a hint about the signal chastisement to be visited upon the unhappy barbarians who from that time to this have been laughing at the threats and at the impotence of England. No reparation has been exacted for the outrage offered to the British flag, and all that we have done in this urgent contest that would not bear a moment's delay, but for which we had not made the slightest preparation, is to blockade the Canton river and put the most serious and formidable obstacle in the way of our own commerce. Our force was indeed diverted from the China expedition, but Her Majesty's Government did not know at the time of its diversion, which was due to the resolution and firmness of Lord Elgin, who took it upon himself to depart from his instructions, and thereby to incur a great amount of personal responsibility. Lord Elgin deserves great praise for the course he adopted in diverting the force from the special object for which it was designed; but Her Majesty's Government, as they took no share of his responsibility, are entitled to no part of the credit for the assistance afforded to India by this proceeding. Indeed, when a question was put in the other House by a right hon. Friend of mine (Sir J. Pakington), on the 10th of July, whether instructions had been sent to Lord Canning to stop the China expedition at Ceylon, and transfer it to India, the First Lord of the Admiralty said he believed that no such instructions had been sent out; that a letter had certainly been written by Lord Canning to Lord Elgin to ask whether the latter had any objection to divert the force destined for China, but Her Majesty's Government themselves had not the slightest notion of any such thing. Now, my Lords, when we are assured that we are at peace with all the nations of Europe, and that all those nations are at peace among themselves, I should like to hear, as we possibly may hear, from the noble Lord the Secretary of State for Foreign Affairs, that some grave questions in Europe are making satisfactory progress—that the stipulations of the Treaty of Paris, which have been long delayed, are on the point of being carried into execution; that the Powers of Europe, upon whom the fate of Wallachia and Moldavia depends, are at this moment agreed in their policy, and that there is some hope of seeing a speedy and satisfactory settlement of this matter. That there has been no actual settlement of it as yet is quite clear, otherwise the noble Lord at the head of the Government, would, I am sure, have been happy to introduce it into Her Majesty's Speech.

Having briefly noticed what I think a light mode of treating that serious subject—the general peace of Europe—I proceed to the two most important questions which occupy the principal portion of the Speech. The noble Lord who seconded the Address, who seems to be one of those happy spirits that in early youth can draw consolation from what fails to cheer maturer and more experienced minds like that of the noble Lord who preceded him, says it is matter for congratulation that Indian affairs were not in so serious a state as to render it necessary, on their account, to call Parliament together. That is certainly a very slight and infinitesimal subject for congratulation. But we are told that we are summoned at this early period simply to pass a Bill of Indemnity for Her Majesty's Government for the violation in 1857 of the law of 1844, which it was found necessary, under somewhat similar circumstances, to violate in 1847; and we are reminded, in confirmation of this assertion, that only a short time previous to the issue of the notice which summoned us to meet this day, the Legislature was prorogued to the 17th instant. If, therefore, I rightly construe the intentions of Her Majesty's Government, it is their wish and intention that no business should be transacted by

Parliament at this extraordinary Session with the single exception of giving them a Bill of Indemnity. My Lords, I do not mean to say that under the circumstances the Government were not justified in taking the step they did, or that therefore they have not a fair claim to the Act of Indemnity which they seek. But before pronouncing any opinion whether or not they were so justified, I should like to hear from themselves the grounds upon which they acted, and the persons whom they consulted previously to taking that step. I should like to hear that it was taken, not on the sole responsibility of Her Majesty's Government, but with the concurrence and full consent of the Governor and Directors of the Bank of England. I should like to know, in point of fact, whether they received any application from the Bank of England, calling upon them to suspend the existing Act, and also whether any such application came from any of the leading bankers and commercial firms of London. Before granting an Act of Indemnity for the violation of the existing law we ought to have an explanation on this point from Her Majesty's Government, and likewise an explanation whether the particular step they took was calculated to meet the difficulties under which the country was at the time labouring. My belief, with that of the Committee which your Lordships appointed in 1848, undoubtedly is, that though certainly the Act of 1844 had no share in producing the calamities to which we are now, and were in 1847, subjected, yet that that Act has a very strong and important influence in aggravating such difficulties when they do occur. I believe the case to be this, that whatever may, in other respects, be the merits or demerits of the Act of 1844, there can be no doubt that when the country sees the publication of the Bank accounts, and that the Bank is approaching the period at which it will be necessary for them to contract their circulation in consequence of the drain of bullion, all other parties, all other bankers, and all other commercial firms deem it needful to take precautions for their own interest in order to secure themselves against the dangers they foresee, and accordingly they begin to hoard a portion of the notes and bullion they receive. The effect of that, of course, is, that a large part of the circulating medium of the country, whether in gold or in notes, ceases to be in actual circulation. And though there is the same amount of issue from the Bank there is not the same amount of circulation or the same activity given to commerce. In consequence, therefore, of the panic, which leads to hoarding, and still further increases the difficulty and restriction upon the circulation, that restriction still further augments the pressure upon the Bank, and still further augments the necessity on the part of that establishment of adopting measures yet more stringent. Thus panic and restriction act and re-act on each other until the country is brought, with abundance of money of all descriptions, to the verge of bankruptcy and insolvency. That, I believe, is a correct statement of the operation of the Act of 1844, and of how it works in times of commercial panic. If that be so, then I think an Act that does away for a time with that restriction on the Bank has a natural tendency to diminish the panic, to encourage the pouring forth of hidden stores of money into active circulation, and, thereby, as in 1847, without any violation of the law, to enable the Bank to resume the ordinary course of proceeding and replenish its coffers with bullion. Supposing for the moment that the restrictions of the Act of 1844 are judicious under ordinary circumstances, I think when the state of things that I have described arises it is absolutely necessary that those restrictions should not be enforced on the Bank. And this, I presume, was the motive which led Her Majesty's Government in 1857, as in 1847, to take on their own responsibility the important step of setting aside the provisions of an Act of Parliament. Let me ask, however, whether the conditions are the same in 1857 as in 1847. In the latter year the foreign exchanges were eminently favourable to us—bullion was rapidly flowing into the Bank vaults, and therefore, although at that time the bullion in the Bank had fallen below the amount which the Act required to be kept, yet there was the reassuring circumstance that events were in progress by which in a short time the equilibrium would be restored. Therefore the suspension of the Act of 1844 was not actually carried into effect in 1847, and the late Mr. Gurney stated before the Committee which sat afterwards, "What we wanted was not money, but to know that we should have money if we wanted it." The result upon that occasion was that the panic and hoarding ceased at once. But at the present

time, when Her Majesty's Ministers have taken this step, the foreign exchanges were still unfavourable to us, the drain of bullion was still continuing. I will not decide whether to that cause alone is to be attributed the fact that the same step which in 1847 produced immediate relief has not been attended with the like happy results in the year 1857.

I now come to another question. If it be the opinion of Her Majesty's Ministers that in times of commercial difficulty and pressure the Act of 1844 has the effect, I will not say of creating these dangerous symptoms, but of aggravating them when they do occur, then I ask Her Majesty's Government to give upon this subject a clear and categorical answer to this question, whether when they bring forward a Bill of Indemnity they intend to adhere to the letter of the Act of 1844? I can perfectly understand the Government asking for a Bill of Indemnity for a violation of an Act which they felt necessary at the moment; but I do not understand their asking for the second time within ten years for an Act of Indemnity on account of the violation of an Act which, when a strain comes, is found to be unequal to bear it; but I do not understand how, while asking Parliament to grant an indemnity for violating that Act, they can ask us to continue the permanent operation of that very Act which they themselves have found it necessary to suspend. I say, if that Act be perfectly sound, but that at certain times and under certain circumstances it be necessary to dispense with the pressure of its too stringent provisions, then that power should be contained in the Act itself. There should be a relaxing and dispensing power vested somewhere, and that power should be vested in the Act itself. I believe that was the intention of the Committee of 1848, which, although it has been said to have made many recommendations, yet proposed no legislation, the duty of a Committee being in my judgment to make recommendations. It was a most able, painstaking, and valuable Committee. It made a most useful Report, but its recommendations have been completely neglected. I hope the Government will make a frank and explicit statement upon that point, and I do trust they will do so without any further reference to Parliamentary Committees. We have had before us all the materials for our consideration *ad nauseam*. Last year a most extraordinary step was taken by Her Majesty's Government. In this House your Lordships did not think it necessary, with reference to the renewal of the Bank Charter Act, to appoint any Committee; but in the other House the Chancellor of the Exchequer thought it was advisable to appoint a Committee, but at the same time to take away from that Committee the slightest utility of which it could be capable, except the production of a vast blue-book which no one would read. The Chancellor of the Exchequer protested, on behalf of the Government, *seriatim*, against every possible alteration in the law which could be suggested, and declared that the Government was prepared to stand by the existing law. I think under these circumstances we have a right to ask the Government that they shall take an open and candid course without any further inquiry or reference to Committees, and tell us frankly and plainly—for they must have made up their minds whether, after all that has passed, they are still prepared to adhere to their position of last year, and to maintain inviolate and in its integrity the Act of 1844? I make this reasonable request without any desire—as I am sure it is not desired on this side of the House—to throw any impediment in the way of passing a Bill of indemnity or to offer any vexatious opposition to Her Majesty's Government.

The Queen's Speech then proceeds to state that Her Majesty has observed "with great regret that the disturbed state of commercial transactions in general has occasioned a diminution of employment in the manufacturing districts, which she feared could not fail to be attended with much local distress." I regret to say, my Lords, being connected with the manufacturing districts myself, and I shall be borne out I am sure by other noble Lords similarly connected, that this phrase in the Royal Speech but feebly depicts the amount of difficulty and suffering which prevails at the present time. I hope that the good sense of the operatives will preserve them from senseless and unnecessary outbreaks, but I do assure the Government that not only the operatives but the manufacturers are at this moment placed in circumstances of most painful anxiety and difficulty. I have had to-day a return from Manchester, which has been published in the journals, from which I find that there are in that city

233 mills and other large establishments employing large masses of men under one roof, giving occupation in ordinary times to 45,391 operatives. If it be remembered that the majority of those operatives are married men with wives and children dependent upon them, that number may be doubled, or perhaps trebled, in order to arrive at a correct statement of the individuals who are interested in the welfare of those manufacturing establishments. Now, my Lords, of these 233 mills, only seventy-three are working full time—the remaining 160 either working short time, three or four days a-week, or are wholly closed. The number of operatives in those mills now in full work is 16,861, while those partially or wholly unemployed number 28,530. That is as far as Manchester alone is concerned; but I believe I could bring similar statements from Bradford, from Preston, from Bury, from Macclesfield, and other places. But that is a state of things to which justice is not done by the paragraph in the Royal Speech, which states that "diminution of employment in the manufacturing districts cannot fail to be attended with much local distress." If under these circumstances, as I take it they will, the operatives have the good sense and judgment to abstain from conduct which can do them no good, but must inflict upon them and their employers immense mischief—if they maintain a peaceful and respectful demeanour under the difficult circumstances of the time, then I say, all honour to them, to their good sense, and to their loyalty. But, my Lords, I think Her Majesty's Government might have gone further and told us the causes—the real source of this disturbance of our commercial transactions. For years past we have heard continual laudations of the enormous extension of our commercial transactions. We have been told that if we only ceased to clip the wings of commerce and to leave it free as the winds of Heaven there would be no limit to its expansion and our prosperity. I remember seeing an article in an important newspaper—*The Times*—no longer ago than last April or May, in which it was said, that to speak of the commerce of England was only to repeat the cry of "Prosperity! prosperity! prosperity!" I remember it was said in that paper and in other places over and over again that the magnitude of our exports was the surest of all possible tests of our commercial prosperity. I have also heard it said again and again, "Take care of your exports and your imports will take care of themselves." Now, in ten months of 1855 our exports amounted to £78,087,431. That was an enormous, perhaps an unnatural amount of commercial business; but in 1857, during the same space of time—ten months—your exports, that unvarying test of national prosperity by which we are to measure the happiness and welfare of the manufacturing community, have increased to £106,000,000, being an increase of £28,000,000 within two years in the single item of exports. Now, my Lords, has there been a corresponding increase in the happiness and comfort of the operatives, in the wealth of the manufacturers, in the wellbeing of all persons engaged in those branches? Why, we are told that with this increasing amount of exports there has been a constantly increasing and almost overwhelming amount of commercial distress. Large as our exports have been yet they have not kept pace with our imports. In the course of three years our exports have been £308,000,000, while our imports have been no less than £468,000,000, showing a balance of £160,000,000 against us in those three years. Well, if your imports have exceeded your exports you must have been driving a very profitable trade, and must have the advantage of having about £160,000,000 in your pockets. But the trade has not been so profitable as you seem to imagine. Let me, in the first place, ask you whether all your imports have been paid for? We have in the course of the period to which I have referred, in consequence of the inequality which prevailed between the amount of our exports and our imports, sent out of the country something like £84,000,000 in the shape of bullion, and if we happen at this moment to be in a state of indebtedness it is not solely because the amount of our exports has been so large but because our imports are encouraged by the Legislature in a degree which is out of all proportion to our exports. Well, my Lords, if this be not the cause of the commercial distress existing amongst us at this moment I shall feel obliged if Her Majesty's Government will be good enough to tell us what the cause is. We are told that there has been no overtrading—that commerce has been upon a sound basis—that we must look for the prosperity of the people in the prosperity of commerce. Now, I want to know from Her Majesty's Go-

vernment what is the reason that, with large exports and greatly-increased imports, we have all this commercial disturbance which has rendered the immediate interference of Parliament necessary. Now, my Lords, I approach another subject, and one even more serious still than that to which I have just adverted; one too, to the magnitude of the danger connected with which I should - were it not for the melancholy experience of the last few months —hardly deem Her Majesty's Ministers were sufficiently alive. In the Speech which has this day been read from the Throne Her Majesty is made to say—

"While I deeply deplore the severe suffering to which many of my subjects in India have been exposed, and while I grieve for the extensive bereavements and sorrow which it has caused, I have derived the greatest satisfaction from the distinguished successes which have attended the heroic exertions of the comparatively small forces which have been opposed to greatly superior numbers, without the aid of the powerful reinforcements despatched from this country to their assistance. The arrival of those reinforcements will, I trust, speedily complete the suppression of this widely-spread revolt."

Now, my Lords, far be it from me to give utterance to a single word which could lead you to suppose that I thought lightly of those private sorrows and bereavements which have cast a gloom over so many hearths in England. But although I feel that the expression of Her sympathy with such sorrows and such afflictions cannot but fall gracefully from the lips of the Sovereign, yet I must express my surprise that the advisers of Her Majesty have not thought proper to make some mention in the Royal Message of that political ruin and that public danger by which the British rule in India has been imperilled. Individuals may suffer—as many have done—from an inundation, an earthquake, or any other calamity. Men are born to die on the battle-field as well as upon the bed of sickness. Such events are matters of constant occurrence, but the mutiny of your Indian army is an event of a different order. The whole framework of your empire in that country has been rudely shaken —nay, for the moment your empire has been lost and remains to be restored; yet the expression of the Sovereign's regret for a public calamity so great finds no place in the Message from the Throne. I should be sorry indeed, my Lords, from the style of composition which the latter part of the paragraph in the Royal Speech, to which I have just drawn your attention, presents, to suppose that it could have been written by Her Majesty herself. I should be sorry to suppose for a moment that Her most gracious Majesty wrote such bad English as is contained in this most ungraceful paragraph and I shall not further dwell upon it, but shall proceed to the next paragraph, in which the Sovereign gives utterance to her warm approbation

"of the gallantry of the troops employed against the mutineers, their courage in action, their endurance under privation, fatigue, and the effects of climate; the high spirit and self-devotion of the officers, and the ability, skill, and persevering energy of the commanders."

That paragraph, my Lords, is one, which I am glad to know has fallen from the lips, as I am proud to believe it has come from the heart of the Sovereign. No words which I could use could do justice to the gallantry, the perseverance, the intrepidity, the Herculean labours of that small but devoted band, to whose hands the salvation of our Indian empire has been confided. They have contended—surprised as they have been and having but too much reason to fear that they were abandoned by their country—not only against overwhelming numbers, but against the difficulties which the climate of India presents at a period of the year when all former experience would lead us to suppose that all operations in the open field in that country were impossible. They were, moreover scattered here and there in small bodies throughout a vast extent of hostile territory; yet under all those disadvantages they have struggled, they have dared, and they have triumphed in a manner which reflects immortal honour upon themselves. and which I trust will ultimately lead to the salvation of our Indian empire. For men who have done such deeds no praise can be too high, no language of eulogy can be too eloquent, no reward which a grateful country can bestow too great. My Lords, I am loth to single out even an individual name for special mention from that bright band to whom England owes so much, lest in doing so I might seem to do injustice to some gallant spirit who, placed in similar circumstances, would have earned for himself a similar immortality. But I can scarcely refrain from pronouncing the names in the record of those who have fallen in their country's service of such men as Neill, Nicholson, Lawrence, Bankes, the young Willoughby, the devoted Salkeld, and the gallant Home. They all died the soldier's death; and they have not died in

vain. The laurel with which their brows would have been encircled had they lived will twine its branches round their graves. But, my Lords, among those who have achieved such glorious exploits in India there are some still living, and from the number, even at the risk of seeming to take upon myself an invidious task, I may be allowed to select for especial notice two names — that of General Havelock and that of Colonel Greathed. Those two gallant officers have, as your Lordships are aware, performed two wonderful marches under the greatest difficulties. Greathed was a young officer in a subordinate situation, and from the specimen of military ability which he has displayed I draw the highest augury of the skill and talent which the young officers in the army will be found to exhibit whenever the opportunity for the display of those qualities is afforded. Of General Havelock it is needless to speak. His achievements are too well known to your Lordships and to the country to require any mention of mine. I can only express a hope that he and the gallant Outram will reap the reward of their glorious efforts, and that they, as well as the garrison for whose succour they so nobly struggled, together with its gallant commander, are now enjoying that repose which their labours and their patient endurance so well deserve. I trust that no mischance has befallen them. The country looks out with the utmost anxiety for the next mail from India, which, we hope, will bring us the account that they are at length placed in safety. Our army there has been left in a state of extreme peril. For some time the communications between different portions of it have been altogether broken off. They have been surrounded, and there is no means of communication between the portion which is at Allahabad and the portion which is at Lucknow. They are not only separated, but they are surrounded by an overwhelming force, and I earnestly trust that the forces which have been despatched to their relief may not arrive too late to affect that object. If India has been saved the work has been wrought by means of the gallantry and perseverance of her military force. With their own brave hearts, their own strong right hands, and their trusty swords they have won their way and acted well their part. With all my heart I wish that the praise to which they are entitled may not be grudgingly bestowed upon them, and that they may receive at the hands of their country the rewards which they so justly merit.

But to pass to another topic, I may first first observe that my noble Friend (Lord Portman) who moved the Address in answer to the Royal Speech has deprecated any attack being made upon the conduct of the Governor General of India, or any cahrge being brought against him in connection with the recent preceedings in that country. Now, as my noble Friend has adverted to Lord Canning, I may state that of that nobleman I should be disposed to speak with all tenderness and all consideration, not only on account of the sincere regard which I entertain for him personally and the respect which I have for his talents, but also because he has been placed in circumstances of such unparalleled difficulty that if he has not been found to be in all points equal to his post it is because of that difficulty, and because not one man in ten thousand would be found likely to cope with it with success. It was, I think, about the close of 1855 that Lord Canning entered upon the administration of the affairs of our Indian empire, and it now appears that long before he set foot in that country—nay, for months before that time—certain secret negotiations had been going on for the purpose of tampering with the Bengal army. My noble Friend the mover of the Address, adverting to certain circumstances which had taken place in his own county, drew from them an argument to show that the Sepoys were influenced by certain superstitions, and that they believed the time had arrived when the dominion of England might be shaken off. I believe that supposition to be correct. I believe that various prophecies and old sayings were circulated throughout India, the purport of which was that at the expiration of a period of one hundred years of British rule the Sepoys would be enabled to drive them from the country and to regain their ancient supremacy. But if it be true, as my noble friend says, that that belief prevailed generally throughout India and that the circumstance was known, does not that fact furnish the strongest possible additional reason why every precaution should be taken to prevent a rising of the Sepoys, and why the Government, as well as every officer and civilian throughout the land, should have their eyes wide awake to the slightest symptom of incipient disaffection? Now, the papers before us prove that no such precautions were taken.

LORD PORTMAN said he must deny having stated that the belief in question had really prevailed amongst the Sepoys, for he knew nothing about the fact. He had only suggested that as there had been such a popular feeling on the occasion he had referred to, there might have been a similar notion amongst the native troops.

THE EARL OF DERBY: I do not know whether it may have been known to the Government or not, but the printed papers show that for two or three years past old prophecies have been circulated among the population of India that the British rule would come to an end one hundred years after it had begun to exist, and, as 1857 was the centenary of the battle of Plassy, this was the period fixed on by the superstitious among the population of India (who comprise, I imagine, no small part of it) for carrying out the conspiracy. Now, my Lords, what happened? Let us look calmly and deliberately at the events which occurred. I will make charges against no man, but let us see whether the authorities in India have been sufficiently alive at any time since disaffection began to show itself to the danger which existed. On the 23rd of January, 1857, General Hearsey reported the existence of great jealousy among the men of Dumdum on the subject of these greased cartridges. On the following day the Telegraph-office at Barrackpore was burnt down. Several other incendiary fires took place, and of their incendiary character there could be no doubt, because in some cases lighted arrows were found in the thatch of the bungalows. On the 8th of February General Hearsey again reports to the Government that the Sepoys are being tampered with. He had ascertained that emissaries of the deposed King of Oude and sowars of the King of Delhi were endeavouring to shake the fidelity of the troops. He reports this on the 8th. On the 9th he paraded the men, explained to them the circumstances connected with the greased cartridges, and had, as he hoped, undeceived their minds for the time; but he writes to the Government on the 11th—"We have at Barrackpore been dwelling upon a mine ready for explosion." At the same time he reports the existence of formidable symptoms of mutiny in the 34th Regiment. Again, on the 24th of February the 19th Infantry at Burhampore were visited by the 34th, and two days afterwards they broke out into open mutiny to such an extent that Colonel Mitchell (whether discreetly or not I will not stay to inquire), doubtful of his own force, felt himself compelled to temporize with these men, and consented to move away the artillery and cavalry marched against them if they would return to their lines. This outbreak seems in the first instance rather to have alarmed the Government of Calcutta, and on the 6th of March they sent off to Rangoon for the 84th Regiment, which arrived on the 20th. Throughout the whole of this period, from the beginning of February to the 20th of March, no single step, as far as I can find, was taken on the part of the Government either to disabuse the minds of the Sepoys on the subject of these greased cartridges, or to ascertain their probable intentions and the extent of the disaffection prevailing among them. No additional precautions were taken, and during the whole of that time the Government never dreamed of the gross folly of leaving the important city of Delhi with its stores of ammunition and artillery without one single European soldier in it, and guarded by native troops alone, although then they had notice from one of their most intelligent officers that foreign emissaries were at work spreading danger in the camp. I hope your Lordships will excuse me for entering into these details, but I want to show that we have reason for saying that the Indian government did not exert themselves early enough to put a stop to these incipient symptoms. On the 28th of February broke out the mutiny of the 34th. An officer in front of his ranks was cut down by a Sepoy half maddened by drink. This man kept walking backwards and forwards before the ranks, no one attempting to arrest him, until the news was brought to General Hearsey. General Hearsey felt that there was not a single moment to be lost. He mounted his horse, rode to the spot, ordered the guard to seize the Sepoy; the guard hesitated and refused. What did General Hearsey do? Temporize? No. Like a true-hearted British officer and gentleman, he rode in at the man himself; with his own hand he seized him and dragged him before the ranks, whereupon the man shot himself. These facts were reported by General Hearsey, who begged that an immediate reward might be conferred on a certain Sepoy (whom he took the responsibility of promoting on the spot), and asked at the

same time that the names of two officers might be inserted in general orders. What was the reply to his letter? Certainly he received thanks for what he had done; these could not be withheld; but he actually got a reprimand for having taken upon himself to promote the Sepoy without reference to the authorities at Calcutta, who also refused to insert in general orders the names of the officers he had recommended for that honour. Now, my Lords, what followed? The Government seemed to have taken courage from the conduct of General Hearsey. The 19th Regiment having on the 27th of February broken into open mutiny, the Government on the 30th of March—five weeks afterwards—determined to inflict a signal punishment. They accordingly assembled the regiment; and what was the signal punishment? The only penalty for an act of the grossest mutiny was that they were paid their wages and disbanded. At that very moment the emissaries of the Court of Oude had promised them increased pay if they would leave the British service, yet the Government merely give the men what is due to them and disband them, and conceive that that is a punishment which will put an end to the mutiny for the future! Why, my Lords, it was an act of madness. When that general order reached Sir Henry Lawrence at Lucknow, he felt so strongly its impolicy and the encouragement it would give to the disaffected, that he refused to read it. All this time the 34th Regiment, a soldier of which had shot his officer—an act in which the whole regiment had passively shared, some of the men also having actually struck two European officers with the butts of their muskets—was still supposed by the Government at Calcutta, in its insanity, to be perfectly faithful and trustworthy, and they permitted it to do duty to the end of April. Nay, such was their infatuation that they actually meditated, and the order, I believe, was issued, the sending back the 84th to Rangoon, leaving themselves under the sole protection of native troops. Fortunately for them there broke out, or would have broken out but for the energy and foresight of Sir Henry Lawrence, the mutiny at Lucknow. Sir Henry Lawrence, like General Hearsey, was equal to the occasion. He anticipated the mutineers, surrounded them with an imposing force, excited a panic among them in the midst of their treasonable conspiracy, and although his force was composed in a great part of men treasonably inclined he completely overpowered and overawed them. But not one of the men who knocked down their officers with the butt-end of their muskets was brought to punishment. The 34th were simply disbanded and sent to swell the ranks of the mutineers. Now, I ask whether in the whole course of these proceedings Lord Canning's advisers—and Lord Canning must to a great degree have been in the hands of his advisers—exhibited foresight, vigour, or any of those qualifications which it was most important should be shown by men who were to conduct the Government of India at such a moment? Now, my Lords, I come to Her Majesty's Government at home, and I must confess I do not think they have exhibited much more foresight, promptitude, or vigilance than their colleagues in India. They refused from first to last to believe in the serious character of the mutiny. My noble Friend (the Earl of Ellenborough) whose knowledge of India and the deep interest he has taken in its welfare qualify him better than any man to speak on this subject, and who appears throughout to have had an intuitive perception of what was going to be done and what ought to be done, never ceased during the whole course of the last Session to press upon the Ministry the necessity of taking the earliest and the most prompt and vigorous measures for repressing that which he represented as a dangerous conspiracy. But my noble friend was the Cassandra of the House. His prophecies were disregarded, and that disregard has cost many a valuable British life and has well nigh lost India. On the 19th of May Lord Ellenborough called the attention of the Government to the subject, and urged the necessity of immediate reinforcements. He was told by the noble Lord opposite, the Secretary for War, that the intelligence was not such as to create any apprehension for the safety of India, but that as the Chinese expedition would comprise four regiments which would otherwise have gone to India, four other regiments would be ordered to proceed to that country in the course of the next five weeks. On the 9th of June my noble Friend again called attention to the state of India, and especially to the religious aspect of the question, which has been referred to by my noble Friend opposite (Lord Portman), and upon which I shall have to say a few words. On the 11th of June the President of the

Board of Control (Mr. Vernon Smith) expressed his hope that no alarm was felt by the public with regard to Indian affairs, and stated that owing to the promptitude and vigour displayed by the authorities in India the disaffection which had existed among the troops in that country had been suppressed, and that any future manifestation of such a feeling would be met by similar decisive measures. On the 23rd of June the President of the Board of Control stated that the 19th Regiment of Native Infantry had been disbanded, and that it was the intention of the Government to disband any other regiments which manifested a mutinous disposition. Well, my Lords, on the 29th of June my noble friend (the Earl of Ellenborough), after some intelligence had been received of the calamities which had occurred in India, again pressed upon the Government the necessity of sending out with the utmost speed other and larger reinforcements to the army, and he suggested, as it would be necessary to despatch all our available military force in this country to India, that their place should be supplied by the immediate embodiment of the militia. Your Lordships will probably recollect with what cool indifference these suggestions were received. The noble President of the Council assured us that the disaffection was not so extensive as was supposed; that the native princes were most cordially co-operating with the British authorities; that Lord Canning expected that General Anson would shortly be before Delhi; that four more regiments had been ordered out; and that the calling out of the militia would appear to indicate difficulties and would lower this country in the eyes of the world. Your Lordships may likewise remember that an Order in Council had been issued on the 25th of June directing that the militia should not be called out, and on the 16th of July the noble Lord at the head of the Government being asked whether, under the altered circumstances, and considering the state of affairs in India, the Government would not revoke that Order, replied "Oh, no; the Indian affair is a mere nothing; it does not in the slightest degree alter the views of the Government, and the militia will not be called out." Within a very short time afterwards, however, the suggestions of my noble Friend (the Earl of Ellenborough) were adopted; and I cannot help thinking that then, as on some former occasions, it would have been as well had they been adopted a little sooner. If the reinforcements which were ultimately sent out had been despatched—as my noble Friend urged that they should be—in the month of June, and if they had been sent by the shortest route, I venture to say that not one-tenth of the disasters and difficulties which have occurred would have been experienced by those gallant men who were unnecessarily left to struggle on without sufficient support, and from whom I have seen letters expressing the bitterness of their hearts at the delay of succour, although their spirits and energies remained unconquered and indomitable.

On the 29th of June the President of the Board of Control delivered a speech which showed such an utter and hopeless ignorance of the whole question with which he had to deal, and of the arrangements of his department, as I not only never saw equalled, but as I believe never could be equalled; still, after all the disastrous intelligence received by the Government, treating the condition of India as a matter of no pressing importance—

> "I hope," said Mr. Vernon Smith, "that in the course of a very short time 14,000 European troops, partly reliefs, partly recruits, and partly additional troops will be on their way from these shores to India. I hope that the House will not be carried away by any notion that we exaggerate the danger because we have determined upon sending out these troops. It is as a measure of security alone that these troops are sent out. * * * Our Indian empire is not imperilled, and I hope that in a short time the disaster, dismal as it undoubtedly is, will be effectually suppressed by the force already in that country." [3 *Hansard*, cxlvi. 541.]

Referring to the outbreak which had taken place at Delhi, the President of the Board of Control stated, in reply to a question from Mr. Disraeli, that

> "Everything that can be done is being done in India, and troops have been already marched up to surround what the right hon. Gentleman (Mr. Disraeli) calls the ancient capital of the Moguls, the city of Delhi."

Then Mr. Vernon Smith went on to show his intimate knowledge with the city of Delhi by saying,—"Luckily the outrage has taken place there, because it is notorious that Delhi may be easily sur-surrounded." Surrounded!

> "I have no doubt," continued the President of the Board of Control, "that it will be reduced by force immediately that a man of the well-known vigour of action of my gallant friend General Anson, who now commands the army of the North, appears before the walls of Delhi."

Why, the large force which General

Anson was able to take with him was somewhere about 2,000 men, if they had all arrived.

"It is notorious," said the President of the Board of Control, "that Delhi may be easily surrounded, so that if we could not reduce the place by force we could by famine."

Was there ever such an instance of utter ignorance? Mr. Vernon Smith went on to say,—and if my noble Friends opposite have the slightest idea that I am misrepresenting him, I beg to refer them to the debate in the House of Commons on the 29th of June last Session:—

"Unfortunately, the mail left on the 18th ultimo, and I cannot therefore apprize the House that the fort of Delhi has been razed to the ground; but I hope that by the next mail we shall receive intelligence that"—General Anson acting with promptitude and vigour—"ample retribution has by this time been inflicted on the mutineers who occupy that city." [3 *Hansard*, cxlvi. 541-2.]

Such was the eminent foresight displayed by the Minister intrusted with the conduct of Indian affairs! The news of the fearful calamities which had occurred in India, and of the occupation of Delhi by the Mogul, did, however, elicit the warmest sympathy on the part of almost every European State. Early in July the Sultan, without hesitation, upon the application of Lord Stratford de Redcliffe, granted his firman for the passage of British troops across the Isthmus of Suez. The Pasha of Egypt voluntarily, and without any application being made to him, wrote to the agent of the Peninsular and Oriental Steam Navigation Company, stating that if the British Government wished, through their agency, to send troops across his territory to the Red Sea, he would afford such troops every facility of transit, whether they were in or out of uniform, by hundreds or by thousands, and that they should have the use of his horses, carriages, and the same means of conveyance as if they were his own troops. It is not I believe very generally known—though it is right it should be, as it is the highest compliment that could be paid to this country, and shows how wide and general was the sympathy entertained towards us by one of the most powerful monarchs in Europe—that the Emperor of the French of his own accord informed the British Government that if it would be any convenience to them to send the greater body of troops they were despatching to India across France, they had his full and free leave to traverse his territory, and that every facility should be afforded for their conveyance. Now, will it be believed that the firman of the Sultan, the offer of the Pasha, the promise of the Emperor of the French, were alike disregarded and declined, and that from that time up to the 1st of October no single soldier ever took advantage of the route across the Isthmus? It was said, when it was determined that troops should be sent round by the Cape of Good Hope, and when a considerable number were despatched by sailing vessels in preference to steamers, that there would be difficulty with regard to transport by the overland route when the troops arrived on the other side the Isthmus upon the shores of the Red Sea. It has been stated—I don't know whether truly or not, but I have not seen it contradicted—that Lord Elphinstone, whose exertions deserve the warmest acknowledgments—made an offer by telegraph to Lord Canning to send out a rapid steamer to catch the mail with the news of the mutiny, and that Lord Canning's reply, was that such a step was unnecessary and there was no hurry. It is said, also, that Lord Elphinstone volunteered, if Lord Canning thought fit, to send steamers from Bombay to the Red Sea for the purpose of meeting any troops which the British Government might despatch by that route. But more than this,—the Peninsular and Oriental Company, I understand, offered to the Government in July to make arrangements for the passage of troops from Alexandria across the Isthmus, by which they could have been transported from ship to ship within twenty-four hours, and they offered the use of their steamers which, they stated, were capable of carrying 500 men at each trip. If troops had been conveyed by that route across the Isthmus, they would have arrived at Bombay or Point de Galle in six or seven weeks; and, consequently, troops despatched from this country at the end of June or the beginning of July would have reached India by the middle of August. The Government, however, declined all these propositions. They refused to avail themselves of the offers of the Sultan, of the Pasha, of the Emperor of the French, and of the Peninsular and Oriental Company; they relied upon their own means and resources, and what happened? After a time matters became more serious, and towards the latter end of August application was made by the Government to the East India Directors, who had from the first been anxious to forward troops by the overland route, to

arrange with the Peninsular and Oriental Company the very bargain which a month before Her Majesty's Government had declined. The East India Directors, in concert with the War Office and the illustrious Duke (the Duke of Cambridge), who I am sure was from the first anxious to provide for the despatch of reinforcements, undertook the arrangement. Really, my Lords, what I am going to say sounds so incredible that it is difficult to believe it, and I ask to be contradicted by the Government if they are able to contradict me, but should they do so I promise to bring forward incontrovertible evidence to prove it. Some considerable time after the arrangements to which I have referred the right hon. gentleman the President of the Board of Control somewhat surprised the agent of the Peninsular and Oriental Company by a letter, in which he asked him if some plan could not be arranged by which troops could be sent overland to India by means of the steamers of the company. Well, my Lords, the gentleman to whom the letter was addressed read it over, and then examined the seal and scrutinized the signature to see if it could possibly be a hoax, but finding that it was a genuine *bonâ fide* production, he wrote back to say, "You ask if it can be done; why, it is being done and has been done for a considerable time, under the authority of the Government." I ask your lordships if it is not inconceivable that the President of the Board of Control, himself a Member of the Cabinet,' should write and ask if it was possible to organize a scheme when that scheme had been in full operation for a considerable period under the sanction of the Government and the East India Company. [*Laughter.*] You may well laugh, but I ask you if, with such instances, the country may not reasonably distrust the vigour, the intelligence, and the energies of those by whom the efforts of her gallant army in the East are directed?

Now my Lords, if the advice of my noble Friend (the Earl of Ellenborough) had been adopted, the offer of the Pacha of Egypt accepted, and troops sent through Egypt in the beginning of June, they might have arrived in Calcutta towards the middle of August; while, as it was, the first reinforcement which did arrive in India, with the exception of the troops diverted from the Chinese expedition and a small number of men from the Mauritius, was part of a regiment which was sent out in the Golden Fleece, a remarkably quick ship, and which made the passage in the extraordinary short space of sixty-eight days, but which did not arrive until the latter end of October. Now, my Lords, look to the circumstances of that garrison upon which the interest of all is painfully fixed; look at the position of Lucknow and the position of the relieving force, and tell me what would have been the effect if those troops which arrived in October had arrived at the beginning, the middle, or even the latter end of September. If they had so arrived the movements of Sir Henry Havelock would have been perfectly safe and secure, and not the slighest risk would have been run by the garrison of Lucknow, with all its helpless women and children, of falling into the hands of their brutal and barbarous enemies; but if, from the delays of the Government in sending out troops that town should fall, upon them will rest the guilt and the shame of such a fearful calamity.

I trust that the Government will not think, because I consider it my duty as a peer of Parliament to criticize their conduct and to point out their oversight, that I am not disposed, or that any of the party with which I have the honour of being connected is not disposed, to assist the Government in restoring the state of affairs. We are all as well disposed to aid the Government as far as we can, and to the best of our abilities, with no greater diminution of energy and assiduity than if we were perfectly satisfied of their discretion and capacity, whatever we may think of their qualifications. In a great crisis like the present the men who are happy enough to enjoy the confidence of their Sovereign and the country and are responsible for the administration of affairs ought to be, and must be, supported by every man who has the interest of his country at heart; and every such man will act as if he approved their whole proceedings. At present, my Lords, the task before us is to reconquer an empire, and to that end our whole attention and energy must be directed. We must first re-establish our power, and then we may take into consideration that most important subject, a better organization of our Indian empire. There is one grave circumstance to which I must allude. We have all read, my Lords, in this country details of those fearful crimes and inhuman butcheries, of barbarities the narration of which, even at this distance, caused the blood of every man to curdle in his veins and his very flesh to quiver with

righteous indignation and abhorrence at the miscreants who could have been guilty of such enormities, and therefore we can well believe, if we at this distance were thus moved, that the effect in India would be great indeed—

"Segnius irritant animos demissa per aures
"Quam quæ sunt oculis subjecta fidelibus et quæ
"Ipse sibi tradit spectator."

I can well imagine that a man who had witnessed those scenes of butchery, who had perhaps among the victims one of those dearest and nearest to him—I can well imagine that a man who had witnessed the scenes which occurred in the shambles-house, Cawnpore, or who saw there the mangled corpses of women and children, mutilated remains, hair torn off and scattered about—I can well imagine, I say, that a man who has witnessed such scenes may be aroused to a pitch of frenzy almost demoniac in its nature, and that there may be some deeds perpetrated by persons coming fresh from scenes so horrible, from witnessing the wounded and dishonoured bodies of their country-women and of their children, which would seem to be inspired by a fiend-like thirst for blood. I can imagine that the feelings so produced may exceed all possibility of control, and that men may become almost as savage in purpose as those whom we are bound to punish; but we, my Lords, must be actuated by no such feeling. It is, however, necessary for the vindication of all justice, for our own security for the future, for the preponderance of our own power, that we should deal out stern justice. For those wretched men who through fear, or upon actual compulsion, or some such motive sided against us, I think there may be some vindication; but for every one who has treacherously joined the ranks of the rebels, or who is taken with arms in his hands, there can be, and there ought to be, but one penalty, and that penalty is death. With regard, however, to those miscreants who have murdered women and children, and perpetrated atrocities and horrors which nature and decency compel us to shroud in a veil, what punishment should be inflicted upon them? It is clear that when a man from the mouth of the cannon from which he is to be blown boasts that he has killed three or four Europeans, death by a sudden blow has no terrors for him, and that he is most probably looked upon rather as a hero than a criminal by his vile associates. For such men death is no punishment. I, my Lords, would inflict upon these men a doom far worse than death—I mean a protracted life, with the brand of Cain upon their brows, denoting their offence lest any man slay them. A life embittered by severe, by degrading, and by painful labour would be a far heavier punishment than death. They should live a life of hopeless constant slavery, condemned to the most degrading occupations; a Brahmin of the highest caste should be the slave of the lowest pariah, and without chance of escape from his condition, he should drag out an existence from which death would be considered a relief. I hope, my Lords, that in what I have said I have shown no desire for vengeance, for vengeance' sake. All I desire is, that a stern punishment should be administered which will satisfy the justice of the case, and will afford some security against similar atrocities for the future. There is, however, my Lords, one thing that I would strongly deprecate, and that is, anything like the impression that a feeling of hostility towards the Native population exists among the European population. It may have happened at the capture of Delhi that in the heat of assault, and maddened by the atrocities which had been committed, some of our troops killed persons not in arms. Now, that, however much to be deplored, may from the peculiar circumstances of the case be at least extenuated; but what I deprecate is, that the white man should consider every man with a black skin his enemy, and should consider it justifiable to shoot him down without mercy—that, my Lords, is a spirit which must be restrained, if not upon principles of Christianity, at least upon principles of sound policy, for if such a state of things continues our power and authority will soon come to a termination. Whatever may arise, we must strenuously maintain the principle of convincing the native, more than he has as yet ever been convinced, of our unconquerable superiority and supremacy. There must be no half measures. You must make him feel that England is his master; but, having done that, make him also feel that the mastery will be exercised, notwithstanding all that has happened—notwithstanding his ingratitude and the provocation he has given—for his own benefit. He must be your servant, but you must be his benefactor; and though you will have to govern the whole of India by the dominion of the sword and by force, you must not hope to govern it by the sword

alone, unaccompanied by measures of amelioration.

One word more, and I will quit this most important subject, into which I have been led at greater length than I anticipated. My noble Friend (Lord Portman) adverted to the paragraph in the Speech which, in mysterious terms, states that "the affairs of my East Indian dominions will require your serious consideration, and I recommend them to your earnest attention." This paragraph may mean a great deal or nothing at all; and, having listened to the speech of my noble Friend, I have not been able to inform myself of the views of the Government on this subject. No doubt some one of Her Majesty's Ministers will address the House in the course of this debate, and I shall have the opportunity of receiving from him a distinct explanation of the meaning of that passage in the Queen's Speech, and of learning whether we are to infer that the Ministers contemplate bringing forward in this Session any measure whatever with respect to the Indian Government—I mean any measure with respect to the constitution and form of government; or whether it is intended simply to call attention by way of Committees of inquiry to the state of affairs in India. I hope, if the Government mean legislation at all, they mean to legislate on their own responsibility. In 1852 I moved for the appointment of a Committee to inquire into the state of affairs in India, preliminary to the renewal of the East India Company's Charter. That Committee continued its labours during the short Session of 1852; but in 1853 its deliberations were cut short by the Act of the succeeding Government, and that I thought an unfortunate exercise of their power. The Government then proceeded to legislate for India notwithstanding the remonstrances which were made, and notwithstanding a noble relative of mine in the other House begged them to bring in only an annual Bill, continuing the Indian Government until Parliament should be in possession of full information on the subject. The Act, however, was passed, and after the passing of the Act Her Majesty's Government thought it necessary to continue the inquiry, though the natural course seemed to be to allow the inquiry to go on in the first instance uninterruptedly, and to pass the Act afterwards. They did, nevertheless, continue the inquiry, and the result was a considerable amount of information on all the heads submitted by this House to the consideration of the Committee of 1852. Information, as in the case of the Bank Charter, so in the case of India, is to the fullest extent already before the Government—information which, at all events, may lead them to decide whether the present double Government should continue, or whether any alteration should be made in the form of that government; and I trust, if it is intended that this subject should form matter of deliberation in Parliament, the Government will, upon their own responsibility, submit a measure for consideration. It has been intimated that the affairs of India will occupy the attention of the present Session, but I will venture to say that the affairs of India—if by that expression is meant the whole legislation for and organization of that empire—will occupy our attention not only for the present Session, but from this day forward will occupy the attention of Parliament for the life of the youngest man among us. It must form a matter of the most serious and deepest interest—a subject of constant and increasing anxiety—to which public attention will unremittingly be turned.

There is only one other subject adverted to by my noble Friend in his speech on which I feel it necessary to say a few words, and I hope I shall not be misunderstood. He says it is the duty of the Government by all means in their power to promote the spread of Christianity in India. No man can be more desirous than myself that the blessings of Christianity should be diffused as widely as possible; and I believe its doctrines would exercise a wholesome influence on minds so ignorant, so depraved, and so debased as the minds of the population of India. But the more that is my wish, the more I deprecate the intervention of the Government in the matter. If you wish to place an insuperable bar against the spread of Christianity in India, put the governing body in the position of intervention. You have seen in the case of the greased cartridges with what inflammatory materials you have to deal; and if you mean to render the maintenance of the conquest of India impossible you will endeavour to convert the natives by the influence and authority of the Government. I do not mean to say that you should put the slightest check or impediment in the way of the missionaries. I doubt whether they are likely to be very successful; but, as private missionaries,

they do not provoke any hostility against the Government, nor have they in the slightest degree alienated the minds of the natives on the present occasion. By all means give to the missionaries, engaged in what I own seems the somewhat hopeless task of Christianizing India, all protection; but, whatever you do in the administration of the Government show that the governing body stands aloof between the two religions, and will exercise neither force nor influence to procure the conversion of one single Hindoo. We may not be able in future to trust the Mahomedans or Hindoos to the degree to which we have trusted them, and to which I desire we might still trust them; but though we are bound not to do homage to their slavish superstitions, nor to conceal our own personal profession of Christianity—though we are bound to show by our conduct that our religion is superior to their religion, we are yet bound to abstain in the most careful manner from any, the slightest interference by force or authority with their religion or superstitions, however debased and revolting they may be to our feelings. May God prosper the good work of the missionaries; but, if it were to prosper, it must do so under the entire indifference of the Government. Any Government encouragement of missionary labours in India would be a most certain impediment to the advancement of Christianity in that empire. I mean now to relieve your Lordships from what I must call my somewhat protracted address. There is only another subject to which I need advert—I mean, of course, the long-delayed subject of Parliamentary reform, which is introduced in Her Majesty's Speech in terms of great moderation, and which was touched on with still greater moderation by my noble Friend opposite (Lord Portman). Indeed, on this subject he "roared like a sucking dove." The new measure of reform is, according to my noble Friend, merely to correct some trifling defects or blemishes in the Reform Act, to which that, like all other human laws, is subject. If the new measure is to do anything more than that, my noble Friend knows nothing of it and is not answerable for it; but, as an old Parliamentary tactician, he had been asked to make this explanation. Be the proposed alterations of the Reform Act large or small, I say for myself, and for those with whom I have the honour of acting, we are ready, if in the judgment of the Government this is a convenient and suitable time for introducing a measure of reform, to give it the most deliberate, impartial, and dispassionate consideration. If it will remove blemishes so much the better—we are far from maintaining that the Reform Act is free from blemishes; and if it should contain improvements, we by all means are prepared to consider those improvements. But what I wish to impress upon the Government is, the advisability of introducing their Bill at the earliest possible period. A Bill was announced two or three years ago, and but for extraordinary circumstances it would have been brought forward last Session. I have not the least doubt, therefore, that the Government are prepared at once to redeem the promise held out in the Speech from the Throne. None of your Lordships can imagine for a moment that the Government have been dealing so unfairly with Parliament and the country, as for two years to have been dangling before our eyes the prospect of a Bill which is not in existence. I am sure the Bill is ready, and when it comes before us we shall have to deal with it as the calm and deliberate expression of the opinion of Ministers. Being the work of a united Cabinet, and, as I have said, ready to be laid before Parliament, I do hope the Government will lose no time in producing it. Independently of the particular business for which we have been called together at the present time, some advantage will have been gained by this short Session before Christmas, if the Government take the opportunity which it affords of laying before us—not with the view of proceeding at once to its discussion—the measure of Parliamentary Reform which they have announced, so that all parties may see how far the views of Ministers coincide with their own, and may be able during the recess to consider what course they ought to pursue when Parliament re-assembles in February. We shall then be in a condition to take the Bill into consideration early in the Session, and to express our opinions upon it. I hope, therefore, that if the Government do really mean to bring forward a measure of the kind indicated in the Speech from the Throne they will give such notice as will enable Parliament to come deliberately to the discussion of a question which is of much or little importance according to the manner in which they propose to deal with it. Although, my Lords, I have thought it my duty, I

fear at unusual length, to offer some comments upon the Speech from the Throne, and to ask some questions relative to two or three of the points with which it deals, yet I am happy to say that I do not find in the language of it anything which calls for the proposition of an amendment on our part. The Speech does not require us to express any opinion upon the important questions to which it adverts; it merely indicates some of the topics which must come under the consideration of Parliament in the present Session, and the language in which it is couched does not seem to render it necessary for us to offer any opposition to the Government upon this occasion. One word more and I have done. As I understand it, the Government wish that we should confine ourselves in the meantime to the special subject which has led to the present meeting of Parliament, and in these circumstances I have no hesitation in saying, not only for myself, but also for those who act with me, that we shall be ready to give every facility for the despatch of public business, so as to enable the Government to adjourn Parliament at the earliest possible period.

EARL GRANVILLE: My Lords, the able and judicious speech of my noble Friend who moved the Address, referring, as it did to all the points embraced in the speech from the throne, relieves me from the necessity of troubling your Lordships with many observations. I shall therefore confine myself to noticing as briefly as possible some of the remarks which have fallen from the noble Earl opposite. The noble Earl began his speech by passing in review all the important events which have occurred during his parliamentary career, and the conclusion he arrived at was that he had never known an occasion on which Parliament assembled under such gloomy circumstances as those in which it now finds itself placed. But, my Lords, there have been undoubtedly within our own recollection, times of great alarm, of great suffering, of great danger, and every one of you must feel great consolation in remembering that after surmounting each of these trials the country rose again more powerful than ever, uninjured by the struggle through which it had passed. And though I agree with the noble Earl as to the gravity of the circumstances by which we are surrounded, I cannot but think that through each one of these circumstances there are gleams of sunshine which give us every reason to hope that England will once more be able to overcome the temporary difficulties in her path. It has been my good fortune to hear the noble Earl make many speeches upon occasions similar to the present, and to listen to the mode in which he criticised the addresses prepared by the Ministry for Her Majesty; but as far as my recollection serves me, this is the first time he has confined his criticism to faults of omission, and, notwithstanding his singular dexterity and power of analysis, has been unable to discover faults of commission in the Speech from the Throne. The noble Earl laments that more has not been said in the Royal Speech concerning our relations with Foreign Powers, and expresses what I can assure him is a mistaken belief, that the Government feel regret at the peaceable state of the world. Now, my Lords, the fact is that the Government have no reason to regard our relations with Foreign Powers other than with great satisfaction and pleasure; for at no period have our relations with the European Powers or with the United States of America been more perfectly satisfactory. I am glad to say that the only question to which he has alluded as likely to throw disunion among us—I refer to the Principalities—is not to the point, for I have the pleasure to inform your Lordships that the Congress will reassemble at Paris with every prospect, having ascertained the opinion of the Principalities themselves, and the opinion also of that Power, which is more interested than any other in the question, of coming to a satisfactory decision, in which, if France and England unite together, I have no doubt all the European Powers will concur, and which I trust will be such as to secure the happiness and contentment of those whose destinies it will affect. I cannot help thinking that the noble Earl was not sincere when he complained of the absence of China from Her Majesty's gracious Speech. The reason why nothing has been done in China is so notorious, and was so clearly explained by the noble Earl himself, that it would be really childish in me to offer any explanation upon the point. What we have ascertained is, that if that force, so wisely and judiciously diverted by Lord Canning, and so cordially and discreetly acquiesced in by Lord Elgin, had been allowed to proceed at once to China, it would have been more than sufficient to accomplish every object which Lord Elgin was instructed to obtain; and that, where-

as at that time there was some doubt how far the whole Chinese Empire would have been engaged in conflict with us, it is now pretty clear that Commissioner Yeh is left to fight his own battles. There never was a time when our intercourse with the rest of the empire was so satisfactory, and I believe that as soon as we are able to send some of our troops to China, even though it should be a smaller number than was originally intended, we shall speedily arrive at a successful issue in the Chinese question. The noble Earl then very naturally referred at some length to the real point for which Parliament has been called together—viz., to consider the necessity which the Government felt itself under of advising the Directors of the Bank of England to overstep the provisions of their charter; and he asked me a question who were the parties we consulted, and by whom we were pressed to authorise the suspension of the Act? Now that is a question, I maintain, which I am not bound to answer. The Government alone are responsible for that step, and if it is wrong, upon them alone the responsibility must rest. But it may be right to state what are the real facts of the case. They are these—that the Government acted upon their own opinions; that they did not ask for advice, but merely for the information requisite to enable them to take action; and it was the knowledge so acquired which led them to believe that if they did not interpose, very serious consequences to our commercial community, and, indeed, to the country at large, must have ensued. That is the ground upon which they are prepared to take their stand. But the noble Earl went further, for he said, "after stating your reasons for suspending the Bank Charter Act, tell me why you do not agree with me that the Act ought to be entirely changed;" because the noble Earl is of opinion that, although the existing law may not do harm in ordinary times, in periods of distress it increases the very panic which it is the object of all to allay. I do not think that at the present moment, when we are engaged in a general discussion, I need go into the merits of the Bank Charter Act. At the same time I am ready to say thus much—that it is not the intention of Her Majesty's Government to propose any change in that Act; as at present advised, they do not think any such change desirable; but they are anxious that the Committee of the House of Commons which sat upon the subject last year, and which recommended that it should be reappointed in the present session, should be permitted to consider carefully all the additional circumstances which have occurred. They do not mean to preclude themselves, should they deem such a step advisable, from making any alterations in the Bank Charter Act which upon further information may appear to them either prudent or necessary: but they are not prepared to do so at present. The noble Earl then went on to say—and I am sorry that my own private information confirms his statement—that our working population are likely to have a very severe winter to pass. I was particularly struck with the manner in which my noble Friend who moved the Address (Lord Portman) alluded to the consolation we must derive from the improved demeanour of the labouring classes in such emergencies. From their clear insight into the real state of matters, from their knowledge that in such cases the Government can do little for their relief, that it is dependent upon causes over which the Government have no control, and, above all, from their knowledge of the fact that there are no laws which artificially aggravate the difficulties of their position, they appear to be ready to co-operate with their employers in trying to mitigate as far as possible the hardships incident to periods of commercial depression. The abundance of the harvest which Providence has bestowed upon us affords some consolation, because it will be a great alleviation of sufferings which in former times were doubled by the high price of food. The noble Earl then referred to India—the subject which occupies the mind of every member of this community who can think or who can feel. He complained that Her Majesty had not been advised to allude in sufficiently explicit terms to the sufferings of individuals, and expressed his opinion that the Speech ought to have gone more fully into the public disaster. I can only say that as I recollect the terms suggested by the noble Earl, and as I believe we shall all read them to-morrow, if Ministers had advised Her Majesty to give such a definition of the state of things in India as Her opinion and that entertained by the Government, they would have been guilty of the grossest exaggeration. That the state of affairs in that country is most serious; that it requires the most careful consideration and is full of anxiety for the future, I cannot

deny; but that our Indian empire is now in peril I do not believe, and, although it is impossible to state at what time the Government may be fully re-established in the disturbed districts, I entertain a confident hope that if common prudence and common judgment are exercised, that result will be attained. The noble Earl spoke of the conduct of our soldiers, as touchingly referred to by Her Majesty, and there, my Lords, I cannot accuse him of the slightest exaggeration. I really believe that in this case exaggeration is impossible. I do not wish to weaken by words of mine the singularly eloquent and vivid description which the noble Earl gave of their conduct in circumstances of unparalleled difficulty, but I must say that if anything can contribute to the re-establishment and maintenance of our power in India, if anything can be worthy of the notice of history, if anything can advance our character in the eyes of the world, it is the conduct of these wonderful men, with whom I, unlike the noble Earl, must couple the great majority of the civilians scattered over the country—who have covered themselves with glory, and who are certainly well worthy of the name of Englishmen which they bear. The noble Earl then remarked upon a phrase used by the noble Lord behind me (Lord Portman), and I am inclined to say that that was the only sentence in the speech of my noble Friend with which I did not concur. I do not think that it is wrong to criticise the acts of public men who are absent. I think that the acts of public men are public property; we have a right to discuss them, and it would be fatal both to them and to ourselves if those acts were not to be discussed. The only reservation I wish to make is, that we should be acquainted with all the facts; that we should not view those facts by the light which subsequent events may have thrown upon them, but should to a certain extent throw ourselves into the position of those who had at the time to deal with very extraordinary circumstances — and above all, that we should not create a prejudice against either individuals or classes upon alleged facts which in reality have no existence whatever. The noble Earl said, and I quite believe him, that his inclination is to treat Lord Canning with tenderness. I claim no tenderness for Lord Canning. I ask that Lord Canning may stand or fall by his own merit, after a calm and impartial consideration of all his acts from the beginning to the end; and on that ground alone should I wish that noble Lord to be judged. But after that declaration, the noble Earl went into a number of facts all more or less bearing against Lord Canning. Now, I know no one who, notwithstanding his brilliant talents, has greater industry and patience than has the noble Earl in searching through blue-books and picking out the kernel of what may suit his purpose, but in this instance I cannot help thinking that he has referred more to a certain red pamphlet than to the blue-books published by the Government. For example, the reprimanding of General Hearsey. I do not know what authority the noble Earl has for asserting that such a thing occurred. The red pamphlet says it did. Neither do I know what authority he has for saying that Lord Canning did nothing to stop the issue of the greased cartridges. To my knowledge he sent a telegraphic despatch discouraging the issue, and ordering that the Native troops should use their own ammunition. Then the noble Earl says that all this ought to have been foreseen by Lord Canning. It is remarkable that on the 9th of June the noble Earl opposite (the Earl of Ellenborough), whose knowledge I have no wish to undervalue, began a speech in this House by saying that it was painful to him, and what he did not expect, to have to recur in Parliament to these matters, but that recent and more serious events rendered it necessary. Therefore, it appears that, at that time, the noble Earl opposite as well as Lord Canning thought that these events were at an end. General Hearsey certainly thought so; and, so far from that being an unnatural belief, I think that the disbandment of two regiments in the presence of other Native troops, coupled with the assurances from the officers of the latter regiments, formed a very fair reason for the supposition entertained by the Government at Calcutta that the evil was only temporary. Even judging by the light of past events, I am not sure that the noble Earl is justified in the censure which he has cast upon Lord Canning for showing some moderation in dealing with troops who had certainly grossly misbehaved. It has been a most fortunate thing, and one which has been more useful than any other, that these mutinies occurred at different times and not simultaneously, when it would have been almost impossible to deal with them. It is very well for the noble

Earl Granville

Earl to say that if Lord Canning had taken such a course the mutiny would not have broken out at all; but it may also fairly be argued that if anything like great severity had been used in the first instance the flame would have spread more rapidly and the whole army might have mutinied at the same moment. The noble Earl talks about not acting with sufficient energy; but he should remember that it is no joke disbanding a large Native army when you have at command only the small European force which was at the disposal of Lord Canning. With regard to the part which Her Majesty's Government have played, the noble Earl—I admit with perfect fairness—went more into detail than I expected he would have done on this occasion. As to the somewhat personal attack upon the President of the Board of Control, Mr. Vernon Smith, I was relieved to find that the principal charge against him—with the exception of the question asked after the thing was done, because that will be cleared up, and, as I am at present informed, the noble Earl has, no doubt unintentionally, misled your Lordships—was, that if the noble Earl correctly reported what fell from the right hon. Gentleman, he was not perfectly acquainted with the geography of the town of Delhi. Now, nobody will pretend to deny the knowledge of the noble Earl opposite (the Earl of Ellenborough). He has not only been in India, but he has personally seen the town in question; yet your Lordships must remember the sensation which he produced by stating that the only means of dealing with Delhi was to cut off the water in the canal.

The Earl of ELLENBOROUGH: I said that that ought to be done in the three weeks preceding the rains, and that at that time, and that time alone, it would be useful.

Earl GRANVILLE: It would, in point of fact, have been of no use at all, because there was plenty of water in the wells in the town as well as in the river Jumna, which, as the noble Earl will remember, is not a distant stream. I cannot admit the truth of the charge that Her Majesty's Government has shown negligence in not following the advice of the noble Earl opposite as to the sending of troops to India. I believe that what has been done is quite extraordinary, and that there is on record no instance of 36,000 men, or rather more, being sent such a journey, to such a climate, and arriving there in such perfect health as, so far as we are informed, is enjoyed by the force which we have despatched. The noble Earl says that we ought at once to have called out all the militia and to have sent off troops at an earlier date and by the overland route. The militia was called out at the time and in the manner most convenient to the country, and all has been done by that force that could be required of it. As to sending the troops by the overland route. notwithstanding the details given by the noble Earl—and on some future occasion I shall be happy to go into still further details with him—I deny the principal points on which his case must rest. I assert that at the early period to which he refers it was impossible to rely upon there being vessels to transport the troops down the Red Sea, that you could not be sure that you had provisions for such a voyage, that it was a passage which troops could not make in a crowded state without the greatest injury to their health, and that on the whole the wise and sensible course was that which was adopted by sending a small number of troops by the overland route at a later period, when all proper preparations had been made, and when it was possible to convey them with safety. The noble Earl then asked him another question—Whether Her Majesty had any measures to propose with regard to India, and he offered the Government some advice on the subject. At the end of his speech he said that he was aware that it was the wish of Her Majesty's Government at present to proceed only with the business upon which they had really called Parliament together at this early and somewhat inconvenient period; and he said that he was ready—which I acknowledge with thanks—to assist us in passing that Bill of indemnity which the action of the Government has rendered necessary. But I think it must be obvious to your Lordships that no public good could arise from following that advice. I think it must be obvious, that meeting as we do a fortnight or so before Christmas, when it will be necessary for us to separate again for a time, it would be a most unwise and inconvenient mode of proceeding for us during these short sittings to open up the whole business of the session. I can assure the noble Earl, therefore, that it is not our intention to do so during this sitting of Parliament, and that we shall reserve it till the meeting of Parliament after Christmas to enter into

the whole question of India, and that we shall then do so fully and I hope satisfactorily.

THE EARL OF DERBY: What I asked for was not an explanation of any measure which the Government intended to bring in relation to India, but whether they mean to propose any measure to Parliament on a subject which they themselves say requires our serious consideration.

EARL GRANVILLE: I think what I have said is a perfectly fair reply on the part of the Government—viz., that while they thought it right that the Queen should allude in Her Speech to this most important subject, which must engage the serious attention of Parliament, at the same time they would reserve the statement of their views on that question till February next, when they will not be wanting in the fullest and frankest explanations. The noble Earl touched on one or two subjects connected with India, and if I rightly understand what he said relative to Christianity, I quite agree with much that fell from him. When a noble Earl, a distinguished member of this House, expressed alarm that Lord Canning should have subscribed to a missionary society in India, I immediately wrote to my noble Friend, the Governor General, for information on the facts of the case. The answer I received was, that my noble Friend had certainly subscribed to certain institutions—one of which was a Bible Society in Calcutta, the object of which was to translate the Scriptures into the different Native languages; and that in this he only followed the example of Lord Wellesley and other most eminent Governors General. He also subscribed to a college which had been supported by his predecessor; while the third institution to which he subscribed was Dr. Duff's school in Calcutta, the very best school, Lord Canning remarked, in the whole of India, and one that was conducted on the most tolerant principles. My noble Friend summed up his letter with what seemed to me the real gist of the matter —viz., that he perfectly admitted that a Governor General had no business whatever to exercise power, authority, or even persuasion for purposes of proselytism; but if you went further and said that he was not to assist one of the best schools in India, because connected with it there appeared to be the name of an eminent missionary, who conducted the institution on the broadest and most liberal principle, there he joined issue with you and would maintain his right to continue his subscription. That, my Lords, is the sound course to adopt. Nothing could, I think, be more injurious to the Christian religion itself than for the Government to use anything like compulsion or interference to make converts. But if it be true that of late years Christianity has been dishonoured in India, it is impossible that such a state of things should be suffered to continue. It is perfectly monstrous, and must tend to lower us and our religion in the eyes of the Natives. It is admitted, I believe, on all hands, that the missionaries were not the cause of the mutiny, and it is clear that while the Government ought not to interfere with the creeds of the people, it must, as a Christian Government, cause the Christian religion to be respected, and make universal toleration the rule throughout its dominions. Another important subject to which the noble Earl alluded which has much occupied the national mind, is the punishment to be inflicted on those who have mutinied and who have committed the most frightful outrages which it is possible for the human mind to conceive. It is impossible that anybody can imagine that punishment should not be dealt out to criminals of the very deepest dye. But then—and here I must join issue with the noble Earl—I also hold it to be most important that in the administration of punishment, we should remember our Christian character as well as our position as a civilized nation, and that we should take the greatest possible care to prevent any charge being fairly brought against us that we have imitated the cruelty of the miserable heathens and that we should never have recourse to anything approaching to torture. Let the punishment be severe—let it also be swift and open,—but, for God's sake, let us carefully consider its spirit and character. As to the assurance given by the noble Earl, that he would support the Government in a great emergency like this, although disapproving of many of their acts, I can only say that I do not doubt it. It is a happy characteristic of our institutions, that though party differences often divide us in ordinary times, yet when any great peril assails the empire all parties unite in a common effort to ward off the danger. I have therefore to thank the noble Earl for the observations he has made on this point, and I will only add that the Government are equally obliged to him for giving them notice of the course

he intends to pursue during the short meeting of Parliament.

The Earl of ELLENBOROUGH: My Lords, although I have derived some satisfaction from hearing the noble Earl's speech, I am sorry he has not given us information on a point with regard to which I feel the greatest interest—namely, as to the intentions of Her Majesty's Government relative to the introduction of any measure respecting the government of India in the course of the present Session. Her Majesty, in the Speech that had just been delivered expressed her conviction that that question will require our earnest attention. Surely it was not meant by these words to put into the mouth of the Sovereign a barren common-place remark. I think it must be the intention of Her Majesty's Government to bring forward some measure on this subject during the present Session; and I therefore ask the noble Earl distinctly, is or is not that their intention?

Earl GRANVILLE: What I said may not be satisfactory to the noble Earl, but I stated very clearly that it is not our intention to go on with that particular question before Christmas.

The Earl of DERBY: I protest, my Lords, against the doctrine that Ministers should insert a paragraph in the Royal Speech, and when asked for an explanation of that paragraph should answer that they don't mean to give it. It would be better, I assert, to omit the paragraph altogether. As it stands it is a bare truism. We ask whether it is meant to be a bare truism or the announcement of an intended measure. That is a fair question; but the Minister answers that he will not say. That is a mode of treating the House of Lords which I never before witnessed.

The Earl of ELLENBOROUGH: Under the circumstances, my Lords, it is not for me to make any lengthened observations on any possible measure on which Her Majesty's Government may or may not have made up their minds, and which they may or may not intend at some future period to bring before this House. But this I will venture to say, notwithstanding that I am not supposed to be particularly favourable to the general government of India, as established by law, or to entertain any special favour for that part of the administration of that Empire which is conducted by the Court of Directors, I must frankly own that although I have looked closely at all that that body has done, I am not aware of the Court of Directors having, since the commencement of these mutinies, or in the transaction of public affairs with respect to them, offered any obstruction, or that the general system of the Government of India has presented any obstruction which makes it necessary to proceed to early legislation respecting it. ["Hear, hear," from Earl Grey.] I must say further, that it appears to me a most inopportune and inconvenient time to proceed to discuss the general question of the future government of a great empire while we are struggling with all our means for the preservation or rather for its re-conquest. My Lords, I have little more to add except that if I understood the noble Earl (Earl Granville) correctly, he intimated that it was not until a somewhat late period that I entertained serious apprehensions for the safety of India. I can assure Noble Lords—and those with whom I was in private communication will confirm what I now state—that for many weeks I durst not express the apprehensions which filled my mind. It was on the 19th of May, only eight days after the insurrection at Meerut, when I addressed your Lordships, and, therefore, what I said then was founded upon previous transactions, having no reference to that particular outbreak. I then remarked that I thought it would be satisfactory if, considering the information recently received from India, the Government would state what measures they intended to adopt for the purpose of reinforcing the army there. I apprehend that I could not have more delicately expressed the fears I then entertained The noble Lord at the head of the War Department replied, that although the Ministers entertained no apprehension for the safety of our Indian Empire, in the course of four or five weeks troops would be sent out. He said that there would be 4,000 recruits for Her Majesty's service and four regiments, that it would not be prudent to despatch the men before the second week in June on account of the unhealthy season of the year at which they would otherwise arrive. I inferred from that that at least 8,000 men would be sent out from this country between the second week in June and the 23d of that month; and I thought, under the circumstances, that it was not necessary for me to press for any further assurance then on the subject. But I will ask how many of the 8,000 men sailed for

India by the 23rd of June? We were promised the whole. Now, my Lords, not one man left the shores of England in those five weeks, and they only left the shores of this country in the following five weeks. Not a man went before the 1st of July, and in the first three days of July only between 600 and 700 sailed. The remainder sailed by the 28th. I therefore repeat, that there was a loss of five weeks. I was so constantly thinking on the subject that having left London for the country immediately after the 19th of May, I actually from the country wrote a private note to the noble Lord the Secretary for the War Department, in which I suggested that the vessels carrying the last troops to China should stop at Point de Galle and be there placed at the disposal of the Governor General if he thought them necessary. That I did on the 21st of May, and if my advice had been taken and those troops had gone to Point de Galle, how totally different would have been our position in India! Again, when they were sent, five weeks too late, how were they sent? Why, in the old ships which had been trading to India fifteen years ago. And what assistance was given to them on passing the Line? None at all. They were all sailing ships, and yet you have ten or twelve steamers employed on the West Coast of Africa, every one of which might have been made available in towing them through the calms by which they would be certain to be detained in crossing the Line. The difference of five weeks is the difference of the safety or the fall of Lucknow. That is the difference, and I say distinctly that due diligence was not used. The faith of the Government, pledged on the 19th of May, was not kept; the troops were not sent as they should have been; proper care was not taken, and if Lucknow now falls, for all the loss of honour to this country, which that event will entail, and for all the horrors that will be perpetrated, Her Majesty's Government will be responsible.

THE DUKE OF ARGYLL said, he believed the noble Earl who had last addressed them, had spoken under some undue excitement, and had overrated the apprehensions which he himself attached at the time to the events which took place, before the mutiny at Meerut. Now, he did not wish to conceal the undoubted significance of the events which took place prior to the mutiny at Meerut, but those events did not raise in the minds of the Government in India, or of the Government at home, those feelings of immediate alarm, which, if they could have been looked at by the light of subsequent events, they would have undoubtedly produced. The first occasion on which the noble Earl (the Earl of Ellenborough) directed the attention of the House to events which had occurred in India, alluding to those at Barrackpore and Burhampore, was on the 19th of May; and what was the form in which he brought the question before the House? The noble Earl simply asked his (the Duke of Argyll's) noble Friend, the Secretary for War, what were the steps which the Government proposed to take, without one word of comment in reference to the reinforcement of the army in India; and the noble Earl appeared to be satisfied with the answer of the Secretary for War, which was that

"The intelligence recently received from India had not been such as to create any apprehensions in the minds of Her Majesty's Ministers for the safety of our Indian empire. But at the same time, as it was intended that the Expedition to China should consist of troops that had originally been destined for India, four other regiments would be ordered to proceed to the latter country in the course of the next five weeks."—[3 *Hansard*, cxlv. 480.]

He (the Duke of Argyll) did not understand that any special promise was given by his noble Friend the Secretary for War that they should be sent out *instanter*. His noble Friend on that occasion added:—

"The reason why they were not to be sent out at an earlier period was, that if they were to leave England before the second week in June, they would reach their destination at a peculiarly unhealthy season of the year."—[3 *Hansard*, cxlv. 481.]

But he (the Duke of Argyll) begged the House to observe the very different terms in which the noble Earl (Ellenborough) addressed the House on the 9th of June last. On that occasion the noble Earl said:—

"I was in hopes that it would not be necessary to draw your Lordships' attention, even for a single moment, to the lamentable events which have recently taken place in India; but more recent accounts, which I only perused last night, have given so grave a character to the mutinies which have occurred in that country that I cannot consistently with my duty abstain from asking a question of the noble Earl who represents the Government in this House."—[3 *Hansard*, cxlv. 1393.]

He thought that speech of the noble Earl showed that it was not until then

that his fears were awakened with regard to events in India. Various complaints had been made of the conduct of the Directors of the East India Company with regard to reinforcing the army in India. Her Majesty's Ministers had no desire to draw off from the Court of Directors any part of the responsibility which fairly belonged to them in that respect; but those complaints had elicited in certain of the public journals of the day very accurate statements of the course that was taken in reference to the reinforcement of the army. There could be no doubt that in the first instance the reinforcements were taken out in the ordinary class of vessels, that is, previous to the arrival of the news from Meerut, without reference to the excessive speed which feelings of greater alarm would have necessitated; but he believed it would be found that immediately after the news reached this country of the mutiny at Meerut, and of the capture and occupation of Delhi, the Directors of the East India Company, with the concurrence of the Government, gave orders for the employment of screw steamers and a faster class of sailing vessels. He therefore thought after that period that no blame was chargeable on the Court of Directors in that respect. He might add that in almost all the comparisons which had been drawn during the last fortnight in the public journals as to the comparative speed of sailing vessels and screw steamers, those comparisons had been taken between the slower class of vessels which were engaged before the news of the mutiny at Meerut had arrived and the screw steamers taken up after that event. He was surprised, therefore, to hear the noble Earl blame the Government for not using screw steamers.

The Earl of ELLENBOROUGH said he must beg to explain. What he spoke of was, the use of steam vessels to tow the sailing ships through the calms in the region of the line.

The Duke of ARGYLL said, he believed that the noble Earl would find that no undue delay was chargeable against the Directors or the Government; and though the noble Earl had not to-night complained of the use of sailing vessels instead of screw steamers, such complaint was made by a noble Earl during the last session, when the noble Earl (Earl of Ellenborough) replied that there would not be great gain in using steamers.

The Earl of ELLENBOROUGH said, that there had been great improvements in screw steamers since his time.

The Duke of ARGYLL: A comparison was made between screw steamers and sailing vessels, but he should be very much surprised if they did not find that some of the sailing vessels made nearly as good a passage as the screw steamers. He admitted that when intelligence of the mutiny at Meerut arrived in this country the public mind was greatly alarmed; but he believed it would be found that there was no undue delay in forwarding reinforcements.

The Earl of HARDWICKE: My Lords, what we on this side of the House submit is this, that from some cause or other—from what particular cause we do not say—the Government did not take the proper steps to quell this mutiny in the beginning. Now, my Lords, the noble Duke who has just sat down has misunderstood an observation of my noble Friend (Earl of Ellenborough). In alluding to the assistance which might have been given by steamers to sailing vessels crossing the line, my noble Friend referred to those steamers in connection with our squadron on the coast of Africa. I think that the Government have not to at all a sufficient extent made use of the advantages which our navy affords in emergencies like the present. No doubt, in time of naval warfare, the advantages of our navy are such as must make themselves be felt; but in cases like the present—cases in which the rapid conveyance of troops is a matter of great moment—the services of the navy might, I conceive, be brought into play with very great effect, and yet they are not. I shall take an instance of this—that in which a transport was employed for conveying the 94th Regiment from Plymouth to India. The Government took up this ship because they got her at a cheap rate, yet the troops were delayed for two days while alterations were being made in her. She put to sea, and was very near sacrificing the regiment. She was obliged to put back for repair, and all this time the St. Jean d'Arc was lying in the harbour quite ready for sea. Again, my Lords, I some time since made a suggestion that troops might be sent to India through France and across the Isthmus of Suez. That proposition, however, was ridiculed by Her Majesty's Government, but since then they have found that it is quite possible to send

troops by that route. Now I am certain that had 5000 men been sent out that way at the end of the month of June, they might have reached India before the end of the month of August. The noble Duke (Duke of Argyll) has told your Lordships, that you would find that there would be a very small difference between the time taken by sailing vessels and that taken by steamers in the voyage to India. Now I would advise Her Majesty's Government not to throw away the enormous power they have in steam power, for they may depend on it that sailing vessels have no chance against steam vessels. I have in my hand a calculation of the time occupied by fifteen different ships respectively—seven steam and eight sailing—in the voyage to India, and I shall give the noble Duke the result. The average time of the steam-ships to Calcutta was eighty-two days fifteen hours; and the average time of the sailing ships to the same port was 102 days. To Madras ninety-three days for the steamers, and 104 for the sailing vessels. To Point de Galle eighty days eighteen hours for the steamers, and eighty-five days eighteen hours for the sailing vessels.

THE DUKE OF ARGYLL: In the list of sailing ships referred to by the noble Earl are some of the slowest ships which were sent out with the first reinforcements, before we contracted for the swift ships.

THE EARL OF HARDWICKE: Well, they were ships which conveyed troops, and the noble Duke admits that some of them were very bad ones. I trust that better ones may be employed in future I assure your Lordships that the subject of the employment of our naval resources is a very important one. You talk of the necessity of a Land transport service. Look at this empire and at this kingdom, and then tell me that you do not want a Sea transport service! I hold that the preservation of this Empire and its Colonies requires a Sea transport service. It is high time that this question should be taken up by the Government. The safety of the Colonies depends on your having good ships at all times for the ready conveyance of the troops. I consider that our naval service may at all times, and under all circumstances, be of great advantage to the country. The country pays for that service; but I cannot help thinking that its importance is very much lost sight of by the present Government.

The Earl of Hardwicke

EARL GREY was anxious to make an observation or two on one point which had been brought under the notice of their Lordships. His noble Friend the President of the Council had informed them it was not the intention of the Government, as at present advised, to propose to Parliament any change in the Bank Act of 1844. He confessed that he had heard that announcement with great regret. He was not one of those who admired that Act, which, like many others, was only a half measure. It was based on sound principles, but its authors shrank from carrying them out to their legitimate conclusions. But whether the Act were wise or unwise in the first instance, inasmuch as twice within the thirteen years that it had been in existence it had, when it came to be tried, proved a failure, and two different Administrations had been compelled to suspend one of its most important provisions, its real authority was at an end, it could not remain with advantage on the statute-book as it now stood, and its amendment was a matter of pressing necessity. Like the noble Earl opposite (the Earl of Derby) he could understand why the Government should ask for a Bill of indemnity, if they were prepared to follow it up by proposing an alteration in the Act. But to propose for the second time a Bill of indemnity without asking Parliament to amend the Act was a course obviously wrong and indefensible. In 1847 much might be said in defence of a simple departure from the Act of 1844, for it had then been only a short time in operation. There were many, too, who believed that the necessity of departing from the Act in 1847 arose from the mismanagement of the Directors of the Bank of England. There was in his opinion, some ground for that belief, and it was therefore reasonable to say, "Let the Act of 1844 have another trial." That trial it had now had; and he believed that many persons well able to form a judgment on this point especially his noble Friend near him (Lord Overstone), had expressed an opinion that the necessity for the recent violation of the Act could not be attributed to any mismanagement on the part of the Bank Directors, and that they had discharged the duties imposed upon them by the Act of 1844 with discretion and firmness. But if under such circumstances, the Act had failed again, what advantage was there in retaining it on the statute-book? Now that two Governments had been compelled

to suspend it, the moral power of the Act was at an end. The mercantile world would never believe in future that it would be maintained, and whenever a pressure arose the Government would be expected to interfere, and that expectation would of itself create the necessity for the suspension of the Act. If the Act were to be retained, as the general rule for the guidance of the Bank, but deviations from it in certain circumstances to be authorised, let the manner in which it was to be departed from, and the conditions, be carefully considered and laid down by Parliament. Of all arrangements the present was the most unsatisfactory. If so great a subject as the standard of value were to be tampered with by discretionary acts on the part of any one, let Parliament be told by whom and under what circumstances so great an authority was to be exercised. At present there was a divided responsibility between the Government and the Bank. Let it not, however, for an instant be supposed that he shared the views of those who thought something ought to be done to interfere with a matter of such vital importance as the maintenance of the standard of value by which the mercantile transactions of the country were to be measured. No one was more entirely convinced that the standard of value ought to be maintained inviolate. His complaint against the Act was, that it was likely to place us in a situation in which some departure from the standard of value would be inevitable. What he feared was, not that the standard of value would be departed from by what he might call *malice prepense* on the part of the Bank or the Government, but that a state of things would arise under the operation of the Act in which the existing standard of value could be no longer maintained without incurring difficulties which neither Government nor Parliament nor the country would be prepared to encounter. He wished to see the currency reformed on a sound principle, and he believed that the only sound principle was that which was only partially adopted in the Act of 1844—namely, that it was the duty of the State to furnish money for the use of its subjects. That principle had been adopted by every State prior to the invention of paper money. Every Sovereign in Europe had always kept jealously in his own hand the right of coining money for the use of his subjects. The right of issuing paper money had been an exception to this rule, yet it was a right infinitely more likely to be abused than the coining of gold and silver money. So long as a piece of gold was of a given weight and a given fineness no mistake could be made in issuing it; but the case of paper money was altogether different; and if persons were allowed to issue paper money at their own discretion, modern history was full of examples of the danger that would ensue. Holding, as he had done for many years, that the proper policy on this subject was this, that the issue of paper money should be distinctly taken by the State as its own duty, and that when it had been issued, the trade of dealing in that money should be, like all other trades, thrown open to free and unrestricted competition, he believed that the adoption of this principle would give considerable relief to commerce at the present moment, and he was sorry to hear that no attempt of the kind was to be made. He agreed with the noble Earl opposite, in thinking that they had had inquiry on this subject to satiety, and that Parliament was prepared to legislate on this subject without further inquiry; and not wishing that legislation should be posponed until inquiry had taken place, he held that the declaration of the Government, that as at present advised they were not prepared to amend the Act, but that they would go to a Select Committee to see whether any alteration ought to be made, was more unsatisfactory than if they had said plainly, "We stand by the Act of 1844, and mean to adhere to it." But while he did not desire further Parliamentary inquiry as to the currency, and thought that Parliament had ample information relative to the circulating medium, he was of opinion that an inquiry into another subject closely connected with it—namely, the causes of the present commercial distress—would be attended with great advantage. It appeared to him to be the greatest fallacy to attribute the present commercial distress to the mismanagement of the circulating medium, and that the circulating medium had in fact little or nothing to do with it. The real cause was to be found in a system of commerce which had gradually been established in this and other countries, which had already caused great disasters, and which, if it were not checked, would lead to financial confusion. The inquiry he desired was not into the system of currency, but an unflinching investigation as to who were the parties really to blame,

for having brought about a state of things which had been accompanied by such frightful sufferings to such multitudes of persons. He came from a part of the country which had suffered deeply from the recent commercial crisis, and it was due to those unfortunate persons who had been brought, as he feared, to irretrievable ruin, and to the whole body of the commercial world, that the causes of these events should be carefully inquired into. He trusted that such an inquiry would not be confined to a Committee of the other House, because he believed it could be still more efficiently conducted by their Lordships, who would not only have the invaluable assistance of his noble Friend (Lord Overstone) and of other noble Lords who understood this subject, and whose services would be of the utmost value, but who would enjoy the advantage of not being fettered and confined by some of the influences to which Members of the other House were exposed. A Committee of their Lordships' House would, consequently, he believed, be likely to probe this matter more deeply than a Committee of the other House, and he hoped the session would not pass over without the appointment of a Committee to consider the causes of the recent commercial convulsions.

Lord OVERSTONE said, he agreed with his noble Friend (Earl Grey) in thinking that the Bank Act deserved the most careful consideration. He also agreed with his noble Friend in the principle that everything connected with the issue of money should be effectually and distinctly separated from everything connected with the dealing in money. That principle he (Lord Overstone) had advocated in all discussions on the subject in which he had taken part; and it was on this principle the Act of 1844 was founded. But that Act stopped short of declaring that the money of the country should be regulated by the State; but in practice, under that Act, the management of the money of the country in its issue was entirely separated from the business of banking and the dealing in money. But unfortunately the manner in which the accounts were kept created misconception in the mind of the public, and gave rise to the important error that the issue of money and the dealing in it were entrusted to the same body. Even from minds of considerable intelligence those errors were not yet eradicated, and scarcely a debate took place in which they did not appear. He was at one time unwilling to sanction a more complete separation between the creation of money and the dealing in money, on account of the inconvenience which might arise from the transference to the Government of the management; but the little he had seen convinced him that it would be better to carry the principle out to its fullest extent, and he was therefore for separating in account and in appearance, as was actually separated in practice, the creation from the dealing in money. He did not agree that it was the prerogative of the Crown to create the money of the country. He believed the quantity of money in circulation rested on sounder principles—the principles upon which the Act of 1844 was based. The two principles upon which that Act was founded were, first, that gold constitutes the money of England; and, secondly, that the quantity of gold which the country should have for its money should not be under the control of any Government, nor of any public body, nor of any private individual, but should be subject to the free competitive action of the whole community—that any man might bring any quantity of gold into the country for the purpose of having it made into money, and any man might take out of the country any quantity of money so made. Thus free trade was established in money, as in everything else, and they relied for a proper supply of money upon the same principle as that on which they relied for a proper supply of provisions. That was the principle of the Act of 1844, and it would have been still more effectually established if they had made a complete separation of the banking from the issue department. They left money free to the competitive action of the whole community, so that every man might supply himself with money as he supplied himself with provisions. But if the provisions of the people fell short and prices rose enormously, what would be thought of a Government who said, "You have been suffering great inconvenience from a shortness of provisions and paying higher prices than usual, and seeing your difficulties, and being convinced that we ought not to allow those difficulties to proceed too far, we have undertaken to store provision ourselves, and to supply all and every one to as great an extent as they choose, upon the condition of your paying the present price?" That was precisely what had been done by the issuing of the Govern-

ment letter. Circumstances arose in which persons went to the Government and said, "This principle of free trade in money will not apply. You (the Government) must give us an artificial supply at the present price." The Irish famine was an analogous case. When that great emergency came the Government did interfere in that anomalous and abnormal manner. Every one admitted that the emergency was one of peculiar difficulty; but even now many persons doubted whether their interference was beneficial, and ought to be repeated a second time. The late interference of the Government to enable the Bank of England to supply an unlimited quantity of notes to those who paid the present price for them was a step of the same kind, and they had to consider whether it could be reconciled with the general principles which had been adopted in 1844. They ought in the matter of the currency to carry out general principles; and how could Government interference, he asked, be reconciled with general principles? It was quite impossible not to acknowledge that the suspension of the Act on two occasions gave rise to the most grave consideration. He understood the noble Earl opposite (Earl Derby) to say, that he did not complain of the Act of 1844 as having anything to do with the creation of difficulties, but that in periods of difficulty and pressure it was not sufficient to meet those difficulties.

The Earl of DERBY: That then it aggravated the difficulties.

Lord OVERSTONE: But it should be remembered that the power of authorising the extension was derived from the operation of the Act itself, for unless the exchanges had been corrected, and unless there had been a large supply of bullion in the Bank, the Government could not have ventured to issue the letter. Without the Act, the public would not have permitted the Bank of England to raise its interest to anything like ten per cent; if the interest had not been raised to ten per cent the exchanges would not have been corrected, and the store of bullion would have sunk so low as to render the issue of the Government letter impossible. It was impossible to deny that the suspension of the Act twice repeated did create serious difficulty, and he thought the Government were entitled to say that the Committee which was in existence ought to direct its attention to the question whether, while maintaining the provisions of the Act of 1844, which were essential to maintaining the solidity of the monetary system and placing the exchanges under proper control, they could not add, without relaxing those principles unsafely, an elastic power applicable to peculiar and exceptional circumstances. It was a very grave inquiry, and should only be entered upon with the greatest calmness and judgment, unaffected by the passions of debate. If they meant to treat this question in a really wise and statesmanlike manner they would not apply their attention to concocting palliatives, but seek a remedy by tracing these evils to their source. Unless the causes of these evils were remedied other panics would occur, and the recurrence of these panics would be dangerous to the monetary prosperity of the country. He would advise them to learn wisdom from the history of the present disturbance. It commenced in the United States, and no man doubted that the monetary crisis there had been fomented by the vicious system which prevailed there with regard to banking, currency, and credit. But whatever step they took with respect to the monetary system of this country, he warned them to do nothing that would tend to the state of things now existing in the United States. The condition of things in the United States was closely analogous to the condition of things in England previous to the passing of the Act of 1844. The object of Sir Robert Peel was to extricate this country from a system analogous in all its principles to the system of the United States, which twice in twenty years had produced the universal suspension of specie payments and of all commercial transactions and obligations. Therefore, whatever they did they should do nothing which tended to place the monetary system of England in the same condition as the monetary system of the United States. The next point was this,—what was the circumstance which weakened the power of the monetary system under the Act of 1844 to meet this pressure? It was the abstraction of 3,000,000 sovereigns to meet the panic in Scotland and Ireland, with regard to the issues of local notes, and especially of £1. That he said, knowing the strong prejudice of the Scotch in favour of these notes. Supposing this country when menaced by foreign invasion on its southern shores was required to detach a large force to meet an insurrection in Scotland or Ireland, would not its power of defence

be weakened? That was precisely the case of the late disturbance in the monetary system. At the critical moment, when all its stores were required to maintain it against foreign pressure, there came a demand for £3,000,000 for no really useful purpose, but solely in consequence of these local issues of notes in Scotland and Ireland. The panic in the United States arose, extended to this country, and where did this monetary malaria first strike us? At our Anglo-American ports—at Liverpool and Glasgow, where the joint-stock banks soon showed the unsoundness of their position. The cause of the difficulties was to be found there, and unless some remedy could be devised for it any attempt to deal with our monetary laws would be utterly deceptive. There had grown up in this country and had been rapidly developed within the last ten or fifteen years a false system of credit and of holding deposits at call carrying interest; a system which had grown to an enormous extent, and which was still growing, and if that evil was not corrected it would certainly overturn our monetary system altogether. That was not an isolated opinion of his own, for there was scarcely a man of enlarged views and experience in the City of London who did not entertain the same conviction. It was indispensable that the attention of Parliament should be directed to that subject. Let them look at the difficulty in which the country was placed, notwithstanding the relief supposed to be afforded by an exceptional dealing with the Act of Parliament. He did not mean to say that the Government ought not to have taken the step which they had, but he did say that if the Act had been maintained only 24 hours longer the whole of the vicious system to which he had referred would have been got rid of by the crumbling to atoms of the institutions which fostered it. Irretrievable ruin would have followed, and the commercial atmosphere would have been cleared. But to prevent that it was deemed necessary to interfere, and to suspend the operation of the Bank Act. By so doing they had intercepted the natural action and legitimate remedy for this unwholesome system, and therefore had rendered it incumbent upon Parliament to find some other remedy for the future. What that remedy should be he could not tell, and he greatly feared that whatever it might be it would only have the effect of creating a new disorder, and his serious apprehension was that the very next monetary disturbance would inevitably lead to a suspension of our specie payments altogether. The evil each time became greater. In 1847 the mere permission to issue additional notes was sufficient without that permission being made use of. The present was a crisis of greater magnitude; the evils were also greater, and the Bank had not only been compelled to avail itself of the permission accorded to it by the Government, but had actually exceeded its legitimate issue by some £6,000,000 or £7,000,000. ["No!"] He knew exactly what he said, and he maintained its accuracy. The Bank had issued £2,000,000 beyond the fixed amount without leaving any supply in the Bank till. Now, the Bank of England was at this time in that peculiar condition that it ought to have a large banking reserve, because it had an unusually large amount of balances of an ephemeral and uncertain character. To place the Bank of England in a proper banking position in reference to the deposits it held would require an amount which justified him in saying that it had exceeded its proper limits of issue by £6,000,000 or £7,000,000. The next occasion of pressure upon the Bank would probably occur before the exchanges were rectified, and then the crisis would be greater than that which we had shrunk from meeting upon the present occasion. There were serious and formidable monetary difficulties hanging over this country, and in warning the House of them he desired to call their earnest attention to them. It was a subject of vast national importance, and should be considered in a candid spirit without regard to prejudices of any kind; but with a determination to contribute to the adoption of a plan which would best maintain the perseverance and safety of the monetary system of the country.

The Earl of EGLINTON observed, that he found himself in the very singular position of supporting the Bank Charter Act against the noble Lord himself. He could not at all understand how a relaxing power, such as had been just exercised by the Government could be said to be incompatible with the Bank Charter Act; especially when the late Sir Robert Peel, in sketching out his plan for that Act expressly provided that there should be a power of relaxation vested in the Government. It seemed to him that nothing could be more easy than to give a permissive power to the Government to relax the

Act when the necessities of the case required it. He was not one of those who wished for free trade in banking and currency; but, as it appeared to him, the noble Lord's statement was one the most opposed to free trade that could be devised. The Bank Charter Act of 1844 in some respects, but in some only, was a good one—for instance, he thought it good, inasmuch as it tended to place a restriction upon the business of banking; still he thought the quantity of circulation allowed by the Act was not sufficient for the use of the population at the present time. There ought to be a permissive power given to the Government to relax the law, when called upon in times of emergency. No doubt he should horrify the noble Lord by saying, that he thought it would be a wise measure to assimilate the system of England to that of Scotland by enabling the Bank to issue 1*l.* notes. The noble Lord said, that one cause of the pressure was the drain of the banks of Scotland and Ireland on the Bank of England. What was the fact? Why, that they did not ask the Bank of England for a single farthing assistance. All that they did, even when pressed, was that they sold out their stock, and asked of the Bank only for that gold which was their own. He could not think that it was fair of the Bank of England, or any person, to complain of such a proceeding as that. The noble Lord had spoken of the beneficial effects which would have arisen from the maintenance of the Bank Charter Act until all the unsound institutions had crumbled to pieces. But what would have been the effect? Why, that more than half the commercial establishments of the country, and nearly all the joint-stock banks would have failed. He begged to call the attention of the noble Lord to the unsatisfactory position in which the Bank Charter Act stood at present. They were called together for the purpose of passing an Act of indemnity to the Government for their relaxation of that Act, but they were not told for how long a period that Act was to be relaxed. Anything more unsatisfactory than the position in which they now stood could not be conceived. From the statement which they had just heard, there was no doubt whatever that the noble Lord opposite (Lord Overstone) would reduce them to a gold currency alone. In that case our power would have been restricted to the narrow limits of these seagirt shores, and we should not be the great nation we now were. Last year he had invited the House to agree to a proposition for a Royal Commission to inquire into the laws which regulate the currency, but unfortunately the House did not adopt this motion; for he believed that if inquiry had taken place the existing evils might not have arisen. If the Bank Charter Act were altered in the way the noble Lord had sketched out, it would certainly in his (the Earl of Eglinton's) opinion, be altered for the worse; but for his part he hoped to see it altered in a manner that would make it more useful to the country; useful to prevent evil, useful to do good.

Lord MONTEAGLE went further than the noble Lord who had just sat down, for he was prepared to give his unhesitating support to the proposed Act of indemnity; but he thought that if his noble Friend (Lord Overstone), having described the interposition of the Government as having been the "interruption of the natural action of events, and of the natural remedy for an unwholesome system," and then condemned, strongly condemned, the late act of the Government, was nevertheless prepared to give his approval to the indemnity, he had placed himself in a most extraordinary position. He (Lord Monteagle) differing from the restrictive Clause of the Act, was at liberty to indemnify the Government for its suspension. How his noble Friend could at once defend those restrictions, and yet sanction their violation by an act of prerogative, he knew not. His noble Friend admitted that the Act of 1844, in the only instances (those of 1847 and 1857) in which the restrictions had come into operation at all, was set aside by the Government, and that the Act of 1844, to which his noble Friend attached such importance, had by this exceptional course, not only been weakened, but had been weakened to an extent and in a manner most damaging to the best interests of the country. But his noble Friend, whilst disapproving of the Government remedy, had not left us without a specific of his own. He did not accept the Government remedy; but that other remedy, which he and which his noble Friend had suggested, and seemed to regret that the nation had not been left to enjoy, was the non-interference of the Government with the fatal consequences which his noble Friend had by such a striking metaphor described. What was his declaration?—"That if the Act had

been maintained for twenty-four hours longer, the whole of the vicious system to which he had referred would have been got rid of by the crumbling and crushing to atoms the constitution which fostered it. Irretrievable ruin would have followed, and the commercial atmosphere would have been clear." Such was the remedy the noble Lord suggested. But this was not all. His noble Friend knew full well, however, that if there had not been this interposition on the part of the Government, the results would have been these: we should have had a stoppage necessarily of the Bank of England itself, under the auspices of the restriction of that "blessed" Bill of 1844; and the failure of the first banking establishment amongst us would have been followed up by the ruin and destruction, not merely of the bad imitations of a bad original in America, but the overthrow and ruin of that which he (Lord Monteagle) and his noble Friend would alike condemn—namely, of many of the best-conducted and most respectable establishments in the country. His noble Friend had been pleased to refer to Ireland in the course of his speech as an aggravation of the late difficulties. This would indeed astonish his countrymen. So far as Ireland was concerned, she had gone through the panic without the failure of a single bank, or scarcely the suspension of payment by a single commercial house. It was true that Ireland had not required a very excessive supply of gold from home. But then she could only do as holders of Bank of England notes do; and was it to be said that those notes were not to be converted and paid because theh olders were Irish? The idea was absurd. The Bank Act was defended on the ground that it enforced the principle of free-trade in money; but it appeared to him (Lord Monteagle), that the restriction which he complained of was practically a restraint upon all freedom. His (Lord Monteagle's, objection to that part of the Act of 1844 was, that it attempted to apply one invariable rule under circumstances totally opposite and totally distinct; and this he stated, not upon his own authority, but upon the authority of a man who was second to none in financial experience and wisdom—he meant Mr. Huskisson. He had stated this objection in the House in 1844. He had induced their Lordships to repeat it in their Report on Commercial Distress in 1848. The late events had confirmed in his mind all the principles laid down in that report.

Lord Monteagle

To establish a rule which would act with the same stringency when the exchanges were against us as when they were favourable was, as Mr. Huskisson said, to run the risk of seeing the Bank drained of its last sovereign. The rule, so far from being a remedy, was an aggravation of an external panic and drain. Another fallacy pervaded these debates. It was not the amount of the circulation only but its activity that was to be taken into consideration; but the present system committed the error of dealing with the circulation as if the same amount of money issued from the Bank would always have the same power. It was the same error as if, dealing with a question of mechanics, they were to omit from their calculation the velocity of a moving body and take account only of its weight. It was not thus that you could estimate truly the *momentum* or efficiency of the circulation. It was not to be disputed, that in the only two instances in which the Act had been brought into play it had failed the expectations of its framer and parent. On both occasions the Act had been abandoned. Some relaxing power must therefore not only be recognised, but provided for. Even the noble Lord, the parent of the Bill, seemed to admit this. He admitted that "the Committee ought to direct its attention to the question whether, keeping the provisions of the Act of 1844, they could not add, without relaxing those principles unsafely, an elastic power applicable to peculiar and exceptional circumstances." He hailed this admission. But this power should be created by law, and exercised legally. Was it not the duty of Parliament to provide for this case by some well-considered and clearly-defined legal enactment, and not to entrust as a mere *arbitrium* to the Government of the day, at its own will and pleasure, the power of departing from and setting aside the fundamental law upon which the rights of property depended throughout the country? He did not quite understand how it was that his noble Friend (Earl Grey) suggested that the issuing branch could safely be transferred to the Government, and made a department like the Mint. He should deprecate such a change as pregnant with danger. In conclusion, the noble Lord expressed a hope that the opportunity would soon occur when this whole matter might be fully discussed, and intimated a wish that the Correspondence which had taken place between the Government and the Bank

authorities respecting it, would be laid upon the table of the House.

Lord STANLEY of ALDERLEY said, that he had already laid it on the table.

Lord CAMPBELL, referring to the paragraph in the Queen's Speech relating to the introduction of a measure respecting the transfer of land, said, that he understood that the Government contemplated proposing a measure under which the transfer of land would be as simple as the transfer of the Three per Cents. It was extremely desirable that the House should be made acquainted at the earliest possible moment how this most laudable object was to be attained; he should be glad to know, therefore, when the Bill would be brought in.

The LORD CHANCELLOR: If there had been a passage in the Speech from the Throne to the effect that a measure would be proposed making the transfer of land as easy and simple as the transfer of the Three per cents, his noble and learned Friend might have fairly inferred that the measure had been actually in a state to lay upon the table; but he would find nothing of the sort. All that the Speech said was, that measures would be submitted for simplifying and amending the laws relating to real property. These measures were in course of preparation, but he could not undertake to say that they would be laid upon the table of the House before the ordinary period. At all events, though it was necessary to announce what measures were to be introduced in the course of the session, Government were not yet in a condition to lay them upon the table.

In answer to a question from the Earl of Derby,

Earl GRANVILLE said, that the intention of the Government was to present to the House, without the least delay, the only measure which they thought it advisable to introduce at this period of the session—namely the Indemnity Bill. It would be introduced in the other House of Parliament first; its first reading would be moved to-morrow; and the other stages of the measure would be proceeded with as rapidly as possible.

Motion *agreed to, Nemine Dissentiente;* and a Committee was appointed to prepare the Address: The Committee withdrew; and, after some time, report was made of an Address drawn by the Committee, which being read, was *agreed to*, and ordered to be presented to Her Majesty by the Lords with White Staves.

CHAIRMAN OF COMMITTEES.

The LORD REDESDALE appointed, *Nemine Dissentiente*, to take the Chair in all Committees of this House for this Session.

House adjourned at Eleven o'clock till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, December 3, 1857.

Minutes.] New Writs.—For Oldham, *v.* James Platt, Esq., deceased; for Harwich, *v.* Major George Drought Warburton, deceased; for Paisley, *v.* Archibald Hastie, Esq., deceased; for Kent (Eastern Division) *v.* Sir Edward Cholmeley Dering, Baronet, Manor of Northstead; for Northampton County (Northern Division) *v.* Augustus Stafford O'Brien Stafford, Esq., deceased; for Thetford, *v.* Hon. Francis Baring, Chiltern Hundreds.

New Members Sworn.—For Middlesex, Hon. George Henry Charles Byng; for Oldham, William Johnson Fox, Esq.

Public Bill.—1° Outlawries.

The House met,—at half after One o'clock.

Message to attend Her Majesty.

The House went; — and being returned;—

Mr. SPEAKER acquainted the House, that he had issued a Warrant for a *New Writ for* Oldham, *in the room of* James Platt, Esq., deceased.

Outlawries Bill— "for the more effectual preventing Clandestine Outlawries," read 1°.

HER MAJESTY'S SPEECH.

Mr. SPEAKER *reported*, That the House had, this day, attended Her Majesty in the House of Peers, when Her Majesty was pleased to make a most gracious Speech from the Throne to both Houses of Parliament, of which Mr. Speaker said he had, for greater accuracy, obtained a copy, which he read to the House.

ADDRESS IN ANSWER TO THE SPEECH.

Mr. C. W. MARTYN: Sir, in rising to move an Address in answer to Her Majesty's most gracious Speech, I feel that although I have been for some years a Member of this House, I have nevertheless been so little in the habit of addressing it that I need almost as great a measure of its indulgence as those who address it for the first time. We have been told in general terms by Her Majesty, in the Speech which has been just read from the chair, the reason that Parliament

has been assembled at an unusual period of the year,—that distrust of the most aggravated character has arisen in a large portion of the mercantile community, and that but for the measures that Her Majesty's Ministers have thought it right to adopt wide-spread disasters would, in their opinion, have ensued. We have also been informed in the Speech from the Throne, that it is the intention of the Government to submit an Act of indemnity for themselves for having recommended that the law should be violated, and to the Directors of the Bank of England for having violated the law. I believe it will be found that in strictness the Act of indemnity need only apply to those who have been guilty of a violation of the law—viz., the Directors of the Bank of England; but Her Majesty's Ministers have felt that as they have authorised the act of the Directors they ought in candour to bear the consequences of their advice, and to submit themselves, as well as the Directors of the Bank, as it were to a trial before Parliament and the country. I think that in so doing they have taken a wise and manly course, and that no Minister of this country will ever have to regret the error, if so it can be called, of being over-scrupulous in observing the forms of the constitution of this country, and guarding against the slightest appearance of having violated it without adequate cause. It is well known to those whom I am addressing that the particular law which has been violated is the Act of 1844, introduced by the late Sir Robert Peel for the regulation of the currency of this country. The main object of that law was to put the currency on a sound basis, so as to insure the convertibility at all times of the notes of the Bank of England into the coin which they promise to pay. It had a further object, namely, to assimilate, as far as possible, the action of a joint currency of gold and paper to that of a currency of gold alone. These two objects have been accomplished by restricting the issues of the Bank on credit to £14,500,000 which sum has been selected because it very nearly represents the *minimum* amount of notes that ever remained in circulation after a call had arisen for gold. It was therefore presumed that at no future time would it be possible, or at all events likely, that gold would be demanded for that amount of notes. The remainder of the note circulation of the Bank was only to be issued in exchange for bullion actually lodged and *bonâ fide* deposited in the coffers of the Bank, and it was therefore concluded that the ebbing and flowing of the notes which represented that bullion would be such as would occur if there was nothing but bullion, and no issue of notes in excess of the £14,500,000 had at all existed. The system has been in action for some years, and seems to have operated in such a manner as to give very general satisfaction to the mercantile world. It is true that there are some eminent dissentients from the policy of the Act, but when we look to the evidence which has recently been given before the Select Committee of this House by my hon. Friend the Member for Southampton (Mr. Weguelin), by Mr. Norman, and by Mr. Hubbard, who represented that the Act commanded the cordial concurrence of the Directors of the Bank of England as a body, and when, added to their evidence, we have the testimony of so able a financier and distinguished an authority as Lord Overstone, I am, I think, justified in saying that, in its main provisions and practical working, the Act has been satisfactory to the most eminent and leading members of the mercantile community. Nevertheless it is true that in the course of its career the operation of the Act has twice been suspended. The first suspension took place in 1847. It appears that previous to that time there had been a considerable amount of speculation. There had also been a considerable investment of the capital of the country in railway undertakings, and, in addition to those two causes, which were very powerful in themselves in relation to the reserve of the Bank, came the failure of our own harvest and the failure of the Irish potato crop, which necessitated the importation of food for the use of the population, requiring no less a sum of money than £33,000,000 to pay for it. Even those enormous drains would, in all human probability, have been surmounted if, concurrently with them, a panic had not arisen in the money-market. The panic in the money-market in 1847 appears capable of being assigned to the fact that the mercantile community were not aware of the usual action of the reserve of the Bank—that they did not perceive that it was reduced to an unusually low point by the payment of the dividends, and that just before the famous letter of 1847 was issued a turn had taken place, and that the funds of the Bank had again begun to accumulate. Whatever might be the truth in that particular—and such was the view main-

tained by Mr. Hubbard—it was certain that the very issue of the celebrated letter of the Government in 1847 allayed the panic. Although the Government of that day, as the Government of this day, authorised the Bank Directors to exceed the limits imposed on them by Act of Parliament, and to make such further issues as they might think necessary on securities as well as bullion, not a single note in excess of the amount allowed by the Act of 1844 was issued in 1847, and, if I may use the expression, the money-market righted itself by its own inherent elasticity. What was done at that time had the cordial concurrence of the late Sir Robert Peel, the author of the principles embodied in the Act of 1844. Although not usually supporting the Government then in power, Sir Robert Peel very honourably rose in his place in Parliament and gave his complete sanction to the course which had been taken, saying that panic was not to be legislated for or reasoned with, but met from time to time by special and exceptional means, and that he thought the Government justified in the precise means which they had adopted on that occasion to relieve the pressure. From 1847 to the present time, notwithstanding that the war with Russia entailed a heavy cost on this country to maintain troops in the Crimea and required remittances of bullion to the extent of not less than sixty millions, the Act has been continued to be maintained, and no inconvenience has been felt by the country which is fairly traceable to its operation. But in the present year a state of things has occurred very similar to that which occurred in 1847. An enormous drain of bullion to the East Indies and China went on for months, and then came one of the greatest commercial disasters which had ever visited a commercial country, the crisis in the United States of America —a disaster so great that its effects are not limited to this country, but as I saw by the papers of that morning, are more severely felt in Hamburg than in London or Liverpool. The drain of 1857, also, would in all human probability have been surmounted without any violation of the law or abrogation for the time of the system of 1844, if it had not been that a panic among the mercantile community supervened; for, as I am informed upon the best authority, late in October the position of the Bank was satisfactory. There were then four millions of reserve against three millions of deposits, and the exchanges had turned in favour of this country, when disasters began to occur in the north of England—first by the failure of the Liverpool Borough Bank, and then by the failure of Messrs. Dennistoun and Co. Those failures were followed by the failure of a large bank in Glasgow, not only having a large amount of deposits, but a right of issuing its own notes to the extent of no less than £500,000. Other failures of a similar character continued to occur to such an extent that mercantile confidence was shaken. Every bank, every discount house, and almost every trader, felt it necessary to strengthen their resources, and to put themselves in a safe position, by which means the immense amount of capital usually employed in the discount of mercantile bills was suddenly reduced to a most inconvenient extent, and a pressure occasioned unequalled perhaps in the history of the mercantile affairs of this country. When we reflect that the amount of the floating fund which is usually invested in discounts has been estimated at £200,000,000, and by more moderate calculations of those who place it at the lowest amount at £120,000,000 or £130,000,000, we shall at once perceive that a derangement or curtailment of that gigantic fund to the amount of five or ten per cent, would withdraw from the mercantile community capital equal to £6,000,000—more probably amounting to £12,000,000. The four millions of reserve which the Bank possessed against their deposits having been reduced to £2,000,000, and the mercantile pressure continuing to such a degree that the discount houses could not go on discounting without the assistance of the Bank; and the Bank being so exhausted it could no assist the discount houses, the Bank of England, I believe, applied to the Government, and under those aggravated circumstances Her Majesty's Ministers felt imperatively called on to sanction an infringement of the existing law. A letter was addressed to the Bank, authorising the issue of notes to such an amount as the Directors thought expedient on their general resources, and on securities, and without regard to the restriction as to the amount of bullion which the law required. Under that letter, an issue of notes immediately took place, amounting to £2,000,000, and the Bank discounts were augmented in one week by no less a sum than

£6,000,000. If we compare one crisis with the other, it will at once be manifest, that the crisis of 1857 was far superior in intensity to the crisis of 1847, and that if, in the estimation of all mercantile authorities, the Government of 1847 were justified in the course they took, *à fortiori* the Government of the noble Lord was justified in issuing the letter to which he has referred. I therefore feel no doubt that the Act of indemnity sought by the Government and the Bank will be cheerfully accorded and passed, without a division, by both Houses of Parliament. Her Majesty, in the next passage of the Speech, has called our attention to the distress which has been suffered and is still being suffered by a large portion of the labouring and industrial population of the country. Her Majesty has expressed her cordial sympathy with them, and I am sure the House will not be behindhand in testifying its concurrence with Her Majesty in that expression of her sympathy. We have often of late seen privations arising from similar causes, submitted to by the labouring classes, with a patience so exemplary as to excite the admiration of the community and even of the whole of Europe. I have no doubt that the same patience will be exhibited by them now. They seem conscious that relief can only come with the revival of mercantile prosperity and mercantile enterprise, and I also hope they are aware that, if anything can be done for their relief in the way of legislation, neither that nor the other House of Parliament will be remiss in supporting Her Majesty's Ministers in any proposal which may be made with that object. Our attention was next called to the topic of the late occurrences in India. Her Majesty has expressed her sympathy with those, alas! too numerous persons who had suffered bereavements by the recent calamitous events in that country, and I am here again certain that House would not be slow to testify their sympathy together with the sympathy of Her Majesty, for the victims of the Indian mutiny. This is no common disaster. It is painful enough when soldiers fall in battle, or relatives are removed by the ordinary operations of disease. But when we regard the aggravated circumstances under which our fellow-countrymen and fellow-countrywomen have come to their ends at the hands of miscreants, who, with a degree of cruelty unappreciable in its full atrocity, exhausted all the inventions of malice to increase the sufferings of their victims by every form of bodily and mental torture, I think we have such an incentive as was never given by any former calamity, to join most heartily in the feelings, so graciously expressed by Her Majesty, of commiseration and sympathy. The next topic to which Her Majesty has directed the attention of Parliament—the successes of our troops in India—is of a more cheering character. If the unparalleled difficulties with which those troops have had to contend are taken into consideration—when we see a handful of men scattered over an immense territory, in a moment of fancied security, without warning or suspicion of what was going to happen, suddenly called upon to take up arms throughout the length and breadth of the land, against what appeared to be an overwhelming foe, and when we find those troops exhibiting the superiority and indomitable courage of the English race, and making head against the overpowering numbers of their enemies, I for one can set no bounds to the admiration with which this country ought to view the achievements of her victorious soldiers. I am sure there is no necessity for me to point out to this House the names of those who have, in leading those troops, deserved well of their country during this struggle. Nothing could be more admirable than the patient calmness with which Sir Archdale Wilson had maintained himself before Delhi—the besieged rather than the besieger—for so many long weeks, until he received reinforcements which, though slender in themselves, yet made success possible to a handful of daring and undaunted men. Nothing could be finer than his final assault, in which, after a loss almost unparalleled in the annals of warfare, he was ultimately successful in driving the enemy from their stronghold. Need I point to the gallantry with which, in another part of the country, Sir Henry Havelock, alternately advancing and retreating with daring only equalled by his judgment, until he had attained his desired object of throwing relief into beleaguered Lucknow, had gained unperishable laurels? Who has not admired the self-devotion and chivalrous feeling with which Sir James Outram, though the senior commanding officer, consented, or rather offered to accompany General Havelock in his civil capacity until he perfected this great achievement? The House does not need to be reminded of the per-

sonal acts of self-devotion of such men as Lieutenant Willoughby, Home, and Salkeld; or, coming to the humbler grades of the service, of Sergeants Carmichael and Smith; and of Corporal Burgess. The House will agree with Her Majesty, in admiration for the zeal and courage displayed by the Civil Service in India, by such men as the Lawrences and Colvil, whose names have already become household words among us, and by those who acted under their orders. There is nothing in history more touching than the story of Lieutenant Osborne, the political agent at Rewah, related in the papers of yesterday, —living in his tent alone 100 miles from any European, in such a state of illness from liver complaint that he was unable to lie down on his bed, surrounded by mutineers who daily threatened to put him to death by torture, and nevertheless enabled, by his energy and the strength of civilized intellect acting on barbarians, to hold his own, defended alone by the threat—which he would undoubtedly have realized—to take six lives before his own, and in that position having still influence enough to induce those who had no communication with the mutineers to do his bidding and carry his messages so long as they were not prevented by physical force. The names of these men are received with a thrill of admiration and gratitude wherever they are heard throughout the country. This country has nothing to fear from any enemy so long as it can boast of heroes such as these, and I cannot better sum up my own feelings with regard to the great qualities which had been displayed by Englishmen in the East than by quoting the words used by the Roman poet in reference to his own countrymen:—

"Felix prole virum: qualis Berecynthia mater
"Invehitur curru Phrygias turrita per urbes,
"Læta Deum partu, centum complexa nepotes,
"Omnes cœlicolas, omnes super alta tenentes."

Her Majesty has assured us that on account of the strong and powerful reinforcements which have been sent out from this country the Indian authorities will be enabled to ultimately suppress this rebellion and trample out the last sparks of this great conflagration. When that chastisement, which was due to such misdeeds as those of the rebels of India—a chastisement called for by the voice of humanity, when rightly understood, as much as by that of justice—has been signally inflicted, and tranquillity has been restored to India, Parliament will be called on, according to a promise in Her Majesty's Speech, to turn its attention to the management of that great country and the amelioration of its Government. Papers connected with this subject will be laid before this House, and I am sure that when the proper time arrives, this House will apply itself to that task in no spirit of faction. It will remember that it is legislating for the destinies of 150,000,000 of fellow subjects, and that consideration alone will induce it to enter upon that important duty calmly and deliberately, with an honest desire to devise such reforms as should be for the lasting welfare and happiness of the inhabitants of that great empire, which has been committed to our charge. The hand of an overruling Providence has been plainly conspicuous in all these events. It has been plainly shown, I cannot help thinking, that India has been committed to our charge for no ordinary purpose, and it will be the duty of this country to conduct itself with Christian energy but with Christian discretion, so as not to impede or mar that course of events which seems to shape itself as though directed by an invisible hand, to the ultimate fulfilment of a great and happy destiny, the consummation of which, I confidently believe, will be at some time though we may not live to see it, the spread of our own blessed religion throughout the length and breadth of that land. I cannot quit this part of the subject without noticing the further allusions made in Her Majesty's gracious Speech to the loyalty of the great bulk of the population, and the obligations under which we lie to those native Potentates who still hold the rank of independent Sovereigns. The friendly and cordial spirit with which these Princes have acted towards us merits the gratitude of this country, and has been of material service to us in holding out against this extended revolt. Her Majesty has been graciously pleased to inform Her Parliament that the whole of Europe was in a state of peace, and that the most satisfactory assurances were received from all foreign Powers. To this information was added the assurance that the only point of importance which remained to be settled was the question of the Danubian Principalities. That question is now in train for settlement, and it is to be hoped that the arrangement arrived at will be such as, while respecting the rights of the Sultan, will confer on the population of those Principalities the privileges best fitted for

the existing state of things among them and most conducive to their ultimate happiness and prosperity. Her Majesty next informed Parliament that the Shah of Persia has loyally and faithfully carried out the treaty which had been entered into with this country, and that his troops have been withdrawn from the territory of Herat. On our side, Mohammerah and Bushire have been evacuated, and Karrack, I believe, will not remain much longer in our occupation. The next subject to which Her Majesty's Speech alludes was the Estimates for the ensuing year. In this part of the Speech the House will notice that there is a slight difference from the ordinary language. Owing to the early period at which Parliament has been summoned together these Estimates are not yet complete, and they are spoken of in the Speech in the future tense. Her Majesty, however, has given us the satisfactory assurance that they will be constructed with a view to the exigencies of the country—a right view in my opinion to be taken in forming the Estimates, because it seems to indicate that, while there will be no extravagance, there would at the same time be no shrinking from the legitimate expenditure which is really wanted for the purposes of the country. Her Majesty's Government have also announced that it was their intention in the ensuing Session of Parliament to take into their consideration that great and important subject—the representation of the people of this country. I congratulate the House and the country upon the energy with which the noble Lord at the head of the Government has made an opportunity, in spite of the many arduous duties which have pressed so heavily on his time, for taking into his consideration this complicated and important question, thus fulfilling the pledge which he has given to the public, that he would in the ensuing Session bring forward a measure on the subject. I have such confidence in the prudence and discretion of the noble Lord, and I have so often witnessed the happy tact with which he catches even the wishes as well as the interests of the people that I confidently expect when this measure shall be brought before us that it will prove satisfactory to the great majority of the people. Of course, at the present moment it would be premature to speculate even upon what that measure might contain, and it would not be in accordance with usage for the Government to reveal piecemeal, portions of a plan which they are maturing; but I for one am content to wait until it shall be brought whole and entire before the House, and I repeat with unhesitating confidence my belief that when produced it will be found to be a satisfactory measure and one highly conducive to the interests of the people. We are further assured that measures are in contemplation for improving the law of real property, more particularly, I believe, with respect to the transfer of land. The transfer of land has been hitherto encumbered with difficult and expensive forms which press most onerously both upon the buyers and sellers of property, and I am sure that a great portion of the community would hail with real satisfaction any important change which it may be in the power of the Government to introduce upon the subject. Furthermore, a consolidation is promised of several important branches of the criminal code, which I believe it is proposed to effect by referring the Bills which had been introduced into the other House of Parliament last year to a Select Committee with a view of seeing where the law is imperfect and what has been already done before coming to a conclusion. Finally, Her Majesty has made an appeal to them which I am certain would be responded to in a becoming manner. She invites us to implore the blessing of Divine Providence upon our deliberations. That is a most legitimate ending to any Royal Speech, but more particularly to one which embraces such important topics as the present, and I am perfectly certain that it is an invitation to which we all shall most cordially respond. In conclusion, I thank the House most heartily and sincerely for the kind indulgence with which they have received my observations in introducing the Royal Speech to their notice, the Address in reply to which I beg leave now to propose. The hon. Gentleman concluded by *moving*

"That an humble Address be presented to Her Majesty, to convey to Her Majesty the thanks of this House for the gracious Speech which Her Majesty has made to both Houses of Parliament:

"To thank Her Majesty for informing us of the causes which have induced Her Majesty to call Parliament together before the usual time; for informing us that the failure of certain Joint Stock Banks, and

of some Mercantile Firms, has produced such an extent of distrust as to lead Her Majesty to authorise Her Ministers to recommend to the Directors of the Bank of England the adoption of a course of proceeding which appeared necessary for allaying the prevalent alarm: and to thank Her Majesty for intimating to us that, as that course has involved a departure from the existing law, a Bill for indemnifying those who advised and those who adopted it will be submitted for our consideration:

"To assure Her Majesty that we sympathize in Her regret that the disturbed state of commercial transactions in general has occasioned a diminution of employment in the manufacturing districts, which cannot fail to be attended with much local distress; and that we partake in Her trust that this evil may not be of long duration, and that the abundant harvest with which it has graciously pleased Divine Providence to bless this land, will in some degree mitigate the sufferings which this state of things must unavoidably produce:

"To assure Her Majesty that while we join with Her in deploring the severe suffering to which many of Her subjects in India have been exposed, and in lamenting the extensive bereavements and sorrow which have been caused, we share in the satisfaction which She has derived from the distinguished successes which have attended the heroic exertions of the comparatively small forces which have been opposed to greatly superior numbers, without the aid of the powerful reinforcements despatched from this country to their assistance; and that we trust, in common with Her Majesty, that the arrival of those reinforcements will speedily complete the suppression of this widely-spread revolt:

"To assure Her Majesty that we share in the warm admiration which Her Majesty evinces for the gallantry of the troops employed against the mutineers; their courage in action; their endurance under privation, fatigue, and the effects of climate; the high spirit and self-devotion of the officers; the ability, skill, and persevering energy of the commanders; and also in the gratification which She expresses that many civilians, placed in extreme difficulty and danger, have displayed the highest qualities, including, in some instances, those that would do honour to veteran soldiers:

"That we rejoice to learn that the general mass of the population of India have taken no part in the rebellion; while the most considerable of the Native Princes have acted in the most friendly manner, and have rendered important services:

"To thank Her Majesty for directing that papers relating to these matters shall be laid before us, and humbly to assure Her Majesty that we will give our earnest attention to the affairs of Her East Indian Dominions:

"That we rejoice to learn that the Nations of Europe are in the enjoyment of the blessings of peace, which nothing seems likely to disturb; that the stipulations of the treaty which Her Majesty has concluded with the Shah of Persia have been faithfully carried into execution, and the Persian forces have evacuated the territory of Herat:

"To thank Her Majesty for having given directions that the Estimates for the next year shall be prepared for the purpose of being laid before us, and for informing us that they will be framed with a careful regard to the exigencies of the public service:

"Humbly to assure Her Majesty, that we will direct our earnest attention to the laws which regulate the representation of the people in Parliament, with a view to consider what amendments may be safely and beneficially made therein; and to the measures for simplifying and amending the laws relating to real property, and also for consolidating and amending several important branches of the Criminal Law:

"Humbly to thank Her Majesty, for being pleased to assure us, that She confidently commits to our wisdom the great

interests of Her Empire, and humbly to assure Her Majesty that, in common with Her Majesty, we fervently pray that the blessing of Almighty God may attend our Counsels, and may guide our deliberations to the objects of Her Majesty's constant solicitude, the welfare and happiness of Her Majesty's loyal and faithful people.

Mr. AKROYD rose to second the Address. The hon. Gentleman said, that in endeavouring to discharge the honourable duty which had been intrusted to him, he must claim the indulgence of the House, feeling deeply conscious of the responsibility of his position, and diffident of his abilities adequately to discharge that responsibility. In the speech from the Throne, Her Majesty's Government had brought before the consideration of the House three important questions—the first relating to the suspension of the Bank Charter Act, by which the commercial prosperity of this country was more or less affected; the second, respecting the maintenance of the vast empire of India; and the third, with reference to a Reform Bill, and a proposition for enlarging the basis of our constitution. On the first of these questions, as a manufacturer himself, and the representative of a manufacturing town, perhaps he might be permitted to extend his observations to a greater length than he should otherwise have presumed to do; and probably the House might find some difference between the views which he was disposed to take on that question, and those which had been advanced by the hon. Mover of the Address. That difference might perhaps be accounted for by the fact that his hon. Friend, happy, as he was sure he must be, in his country retreat, took a cool calm view of the question, while he (Mr. Akroyd) stood in the midst of the excitement and had a fellow feeling with those who suffered. Now, he would not consider the subject in that narrow light in which most of the writers of the present day did—as if it merely affected the money-market or the dealers in Lombard-street, or as if it simply enabled the lenders of money to obtain an usurious rate of interest at the expense of the needy borrower; nor would he admit that all borrowers were speculators; for it was impossible to shut one's eyes to the fact that many an honest trader might be brought to the necessity of becoming a borrower. On looking at some of the money articles which he had seen in the newspapers he could not but admire the ability of the writers; but it struck him that they often took a professional view of the question—they dealt with it pretty much like a skilful surgeon who looked upon the disease of a patient as it might tend more or less to illustrate his own particular theory: or where he got hold of a subject, and had put him on the dissecting-board, he endeavoured to illustrate his professional views of the nature of the disease by a *post-mortem* examination. So the writers of some of the money articles got hold of a Bankrupt commercially defunct, and endeavoured to sustain their own system by dissection. He (Mr. Akroyd) took a strong interest in this subject, and if he had the power he would relieve the sufferings of the one patient and would try to restore the suspended animation of the other. He would ask the House to take a broad view of the question, to consider its bearing upon our national prosperity and upon the interests of the working class in this country, and to bear in mind that our ability to sustain the burdens of war depended upon the productiveness of the country. He was glad that the agricultural labourers were comparatively well off, and long might prosperity shine upon them, whatever might be the troubles by which the people of his own district might be affected. He felt that it was unnecessary for him to attempt to enlist the sympathy of the House on behalf of the people of the working classes. He was quite sure that every Member of the House had a deep regard for them. If it were necessary to enlist the sympathy of the House on their behalf, he would remind the House that those classes furnished the soldiers who fought our battles, that they in their turn had to bear the heavy burdens of war, and that no less fortitude might be required to meet a starving wife and family than to fight battles upon the cold heights of Sebastopol or the burning plains of India. What was the state of things when the monetary crisis first occurred? There was no alarm of the coming danger. The newspapers did not point to any occasion for alarm in any quarter of the globe. The only drawback to the prosperity of the country arose from an increase in the price of the raw material. He came from the manufacturing districts and could therefore speak from his own personal observation of the state of things there immedi-

tely before the crisis. The first symptom of danger was the raising by the Bank of England of the rate of discount to 5½ per cent on the 2nd of October. By successive advances the rate was within the same month raised to 8, 9, and 10 per cent. But the warning came too late. Each successive rise only served to aggravate the panic. The storm came in full force. There was no time for the manufacturers to prepare themselves against it. Since the panic arose many a goodly vessel had been stranded, and many a goodly vessel had foundered. He himself knew in his own neighbourhood many who had sunk in commercial relations, and whom he should probably know no more. Country gentlemen might, perhaps, look upon the panic among the commercial classes with somewhat of the feeling with which landsmen looked upon a storm at sea; but sure he was that their commiseration would be extended to the sufferers. On the 11th of November the storm was at its height, and on the 12th the Government letter came out, informing the Bank of England that they might during the present emergency exceed the limits prescribed by the Act of 1844. Those limits had since been exceeded, and no one could deny that there was a necessity for that excess, and that the indemnity sought by the Government ought to be granted. If the letter of the Government to the Bank of England had not been issued, the consequences within 24 hours would have been most serious. The trade and commerce of the country would have been brought to a deadlock, and general confusion, and a vast amount of ruin would have ensued. He was not one who blamed the Bank of England, for he believed they had made every possible effort to relieve the manufacturing classes. They were tied down by the Act of Parliament, and they went to the very verge of prudence in order to relieve the commercial classes. The position of the Bank in 1857 was much more critical than in 1847, and the pressure more severe. Hence there was greater necessity in 1857 for exceeding the limits prescribed by the Bank Charter Act. Let us then pause to consider the relative position of matters in those years. In the year 1847 the amount of bullion in the Bank was £8,313,000 and in 1857 it was £7,171,000. The reserve in 1857 was £957,710, but in 1847 it was £1,547,000; so that the position of the Bank of England in 1857 was much more unfavourable than it was in 1847. The panics of 1847 and 1857 were similar at least in one respect; that in both cases the Government found it necessary to suspend the Bank Charter Act. The panic of 1847, directly, and the panic of 1857, indirectly, had been occasioned by railway speculations. The Lords' Committee came to the conclusion that the panic of 1847 was aggravated by the operation of the Bank Charter Act and by the proceedings of the Bank. The hon. Member for Kendal had given very able evidence before that Committee, and he (Mr. Akroyd) was glad to shelter himself behind such high authority. The hon. Member was of opinion that the pressure in April arose from the large importation of foreign corn; but that the pressure in the following October arose "from an apprehension on the part of mercantile men that the reserve in the Bank had become very small, and that, in point of fact, people possessed of property would not be able to convert it into Bank of England notes." The hon. Member further added "that the Government letter stopped the crisis and abrogated the Act." The House of Commons in the subsequent session had arrived at the conclusion that the Government, under the peculiar circumstances of the case, was justified in suspending the Bank Charter Act. In 1847 the Government interfered when discount was at 8 per cent, and in his opinion the Government would have done well if it had interfered in the present crisis when discount had reached that amount. Looking however, to the present financial difficulty, there seemed to be no natural cause to account for it. Harvests were abundant both in Europe and America; and if it should be proved to the House that any portion of our legislation had had the effect of producing this commercial disturbance, throwing tens of thousands of people out of employment, he trusted hon. Members would not hesitate to alter any enactment which might appear to them to have brought about that evil. It was said that things were greatly improved; but he confessed that until discount was reduced to 8 per cent, he had no expectation that trade would improve, or that failures would cease. It was a strange fact that, notwithstanding the recent discoveries of gold and the large importations of it into this country, it had slipped from our fingers in a marvellous manner, and the country at large was no richer by

those importations. He could not but feel that we should not be able to retain that gold in this country until gold was sold at its market value. We were the only nation who had a fixed standard price of gold, and it was clear that unless we gave the market price for gold the only other means we had of getting it to this country was a sacrifice in the price of our commodities. The commercial classes in France, where speculation had been carried to a much greater extent than in this country, had passed comparatively unscathed through the present trial, while in this country they had suffered most severely. The difference, he believed, was attributable to our having a standard price for gold. Again, owing to our laws, we had discounts running to from 2 to 10 per cent. The value of money did not depend on gold. If at any time the owner of the £100 got only £2 for it, and that in commodities at a high price, whereas at another time he got £10 for his £100, to spend upon commodities at a low price, of course the value of his money was more than quintupled. There was no commodity, not even hops, which was so varying and fluctuating as the price of money. It had been the practice of the Bank of England at an early period to maintain the rate of discount at an equable rate, and from 1704 to 1844 it had never been higher than 5 per cent, or less than 4 per cent, except during six months of the year 1839, when it had risen to 6 per cent. The limit of £14,000,000 fixed under the Act of 1844 was clearly not sufficient. For the information of hon. gentlemen not so practically acquainted with mercantile pursuits as himself he would mention to the House that business transactions were generally carried on through the medium of bills of exchange, and therefore it was for the general interest of commerce that sufficient facilities should be afforded for discount. While that, however, was the case, it was at the same time necessary that no facility should be afforded for discounting accommodation bills. It would be well for trade if all that sort of spurious paper money, like base coinage, was weeded out of the market. He himself, although he saw the necessity of a paper currency, was an advocate for its ready convertibility. Manufacturers were not mere speculators in paper, but what they wanted was a solid currency. He knew that he had already trespassed largely on the patience of the House on this branch of the subjects referred to in Her Majesty's gracious Speech. In reference to the condition of the working classes, it was a fortunate and Providential circumstance that cheap food enabled them better to bear the sufferings to which the state of commerce had exposed them, and he was sure that as long as those classes believed in the disposition of the Government to relieve their sufferings by wise legislation, they would endure them with fortitude. He would trespass very shortly upon the time of the House in reference to the state of affairs in India. He had observed with great satisfaction, from what had taken place in that country, that the commercial spirit of the nation had not weakened its martial vigour, and he would add that among no portion of the population of this country did there exist more sympathy for the deeds, the sufferings and privations of our gallant soldiers than was to be found in the manufacturing districts. The working classes had relatives and friends of their own in the British army, and they were proud of the gallant bearing of their friends, and sympathised deeply with their sufferings. As an instance of the extent to which that feeling prevailed, he might state that in the town which he had the honour to represent there had been raised for the sufferers by the Indian mutinies nearly £2,000; and he believed that the working classes generally were willing to bear their share of the taxation which those unfortunate occurrences made necessary. With respect to the Government of India, it ought to be a single and supreme Government—a Government which, while it possessed ample power to vindicate its authority, would, at the same time, exert itself to develope the resources of the country by encouraging the growth of cotton, by the construction of railways and canals, and by promoting internal improvement. He now came to the subject of Parliamentary reform. He rejoiced that on that subject the Government had redeemed their pledge. He, for his own part, hoped that the coming measure would be a large measure, and that it would, without giving predominance to any particular class, include an infusion of the honest working men of the country. He would revert to the old principle of the constitution, which admitted scot and lot voters; and he was sure that the best of the working class would compare advantageously with the small tradesmen as re-

garded not only discernment, but also devotion to the interests of the country. He was glad also to see that the Government had determined to carry on the work of law reform, and, although no mention had been made in the Speech from the Throne of any reform in that branch of the law which chiefly had reference to commercial interests — namely, the bankruptcy and insolvency laws—he hoped that if measures relating to them were ever brought forward by the Chambers of Commerce, they would obtain general concurrence and would receive at the hands of Her Majesty's Government a favourable consideration and support. Upon the subject of the Danubian Principalities, to which his hon. Friend had alluded, he would not enter further than to say, that the free navigation of the Danube would be a great benefit to commerce. He would now conclude his remarks. He had not been accustomed to address the House, and having, as a manufacturer, been more used to act than to speak, he might find it difficult to adapt himself to the particular tone of the House, and to express himself in strict Parliamentary fashion. But this he knew, that whatever thoughts he had expressed they were his own conscientious convictions; and that, whatever opinions he might have uttered, he had never failed, to the best of his ability, to act up to those opinions. And although, perhaps, he might not altogether obtain the ear of the House, sure he was that he should be sustained by those in his own neighbourhood whom he represented in that House, and with whom he had been connected all his life. In conclusion, he would join devoutly in the prayer which had been offered by Her Majesty at the close of Her most Gracious Speech, that the blessing of Almighty God might attend their counsels, and guide their deliberations to the happiness and prosperity of a loyal and faithful people. He begged to second the motion.

The Address having been read from the Chair,

MR. DISRAELI rose and said;—I think, Sir, that the surprise at this autumnal meeting of Parliament which has been expressed by the hon. Member who has just addressed you, is not limited to the people generally, or even to the independent Members of this House, but that it must in some degree be shared in by Her Majesty's Ministers themselves. It appears that upon the 4th of November a Privy Council was held, the result of which was that Her Majesty was recommended to prorogue Parliament to the 18th of December (then not to meet for the despatch of business), while eight days later the Government found themselves under the necessity of violating a most important statute and consequently of advising Her Majesty to call Parliament together. The hon. Gentleman who seconded the Address is, I am sure, under no necessity to apologize for his speech. The subject which he treated is one of which he has had much practice, and is of great interest to the House at this moment, more especially to those hon. Gentlemen connected with commerce. Well, Sir, that hon. Gentleman, in his reply—and, I think, his able reply—to the speech of the Mover of the Address, has informed us that on the 4th of October the difficulty had commenced, and that in the middle of that month there was actual danger; and yet at the beginning of November Her Majesty's Ministers recommended the prorogation of Parliament to the 18th of December, even then not for the despatch of business, and then find, a few days later, that it is absolutely necessary to rescind their resolution and not only to rescind it and seek the advice of Parliament in the emergency in which the country finds itself, but themselves to perform an act of a very extraordinary character. Now, what one very naturally wishes to know is, what was the opinion of Her Majesty's Ministers in the months of October and November respecting the condition of the commerce of the country? I apprehend that that would be a subject which would almost primarily occupy the attention and consideration of the Minister of the greatest commercial country in the world. No doubt there are other subjects of vast importance demanding anxious consideration by Her Majesty's Ministers. They might have been maturing their Reform Bill, though they have had so considerable a space for that effort that I should have thought their attempts would have been considerably advanced at that period, or they might have been continuing their energetic efforts, which unfortunately have not been successful, to add to the forces of the gallant Wilson and the daring Havelock; but, even under those circumstances, I should have thought Her Majesty's Ministers would have given some

inquiry to the condition of the commerce of the country. There is a Member of the Cabinet whose peculiar duty it is at all times, and under all circumstances, to study our commercial condition. The President of the Board of Trade is a Member of the Cabinet, and, I apprehend, was present at the deliberations of the Cabinet when the prorogation of Parliament was decided upon, and I take it for granted that he communicated to Her Majesty's Ministers the conclusions he had arrived at, no doubt by painful investigation and by deep thought. I take it for granted the President of the Board of Trade said to the Prime Minister, and his colleagues,—"Be quite easy so far as the commerce of the country is concerned; count on that domestic tranquillity which results from the full employment of the working classes. The commerce of the country is established on a sound basis. We have now no old-fashioned protective restrictions to thwart its development, we have established it on that principle of unrestricted competition which you have all agreed to maintain. It is not only proved by its immense extent, by the increase of our exports and imports, that the principles of our commercial system are sound; but I can tell you not only that our trade is extensive, but that it was never in so healthy a condition as it is at present." That must have been the recommendation on which Her Majesty's Ministers acted, notwithstanding all that was occurring in the country, notwithstanding that, according to what a practical man has just told us, early in October serious difficulties had commenced in the commercial world, that in the middle of that month danger had accrued, and that at the time when the Council which fixed the prorogation was sitting occurrences were taking place tending to shake to its very centre the whole of our commercial system. I say Her Majesty's Ministers must have acted on conclusions quite the reverse before they could have taken the course that they have done. But, Sir, under what circumstances do we meet now? Her Majesty's Ministers have thought proper to violate an existing law, and that one of the highest importance. I do not want to enter to-night into the question as to whether the temporary or permanent suspension of that law is expedient. I think I rightly interpret the feeling of the House when I conclude that a currency debate is not one which they wish this night to pursue, and that on an occasion when we are considering the response we ought to make to a Speech from the Throne, of so varied a character, it would be highly inconvenient that we should take the opportunity of incidentally discussing a subject of so much importance, which demands a precise treatment and a concentration of attention. There are topics enough to discuss without entering into any controversy on the principles on which the monetary circulation of this country ought to be conducted. We are asked to-night, or rather we have notice given that we shall be asked to grant a Bill of indemnity to Her Majesty's Ministers for departing from an existing law with regard to that important subject. I know it is too often the habit of this House when a Bill of indemnity is the question before us to treat it as a very light matter. It is generally supposed that when such a Bill is asked for it will be conceded as a matter of course, and that no opposition to it will be attempted, and therefore it is a matter which is treated lightly; but the fact is, that a Bill of indemnity is of so grave a character that it should never be so treated. On the contrary, when accorded, it should be accorded liberally, and even generously, but it should never be accorded lightly. This House should never agree to a Bill of indemnity, especially upon such a subject as is referred to in the gracious Speech from the Throne, without well weighing the circumstances under which the infraction of the law has taken place. Ten years ago,—to which reference has been made by the hon. Gentlemen the Mover and Seconder of the Address,—there was a similar though technically not an identical state of affairs with the present. There was not then an actual violation of the law, but virtually there was one, for Her Majesty's Ministers had adopted the responsibility of recommending its infraction. I ask any hon. Gentleman whether he has a clear idea of the circumstances under which the Government then recommended the suspension of an important Act, and were obliged to come to Parliament, not absolutely to obtain a Bill of Indemnity, but its sanction to the advice they had given? We were then told that that interference saved the Bank of England from breaking. We were then told that immense calamities would have occurred had not the Bank of England appealed, and not unsuccessfully, to the interference of the Government. But by

the evidence taken only last Session upon this very subject, ten years after the event—evidence given by some of the most considerable commercial witnesses, men who have held the high office of Governor of the Bank—we find that in 1847 the Bank of England made no appeal to Her Majesty's Ministers, that they never asked for their interference, that they even protested against that interference, that they did not require protection, and that they were prepared in 1847 not only to maintain the convertibility of the bank-notes which they had issued, but even to protect the deposits which had been entrusted to their custody. Now, what evidence have we that the same circumstances have not occurred at the present moment? So far as the language of Her Majesty's gracious Speech would guide us, I should be induced to believe that the Bank have not appealed for assistance to the Government. There we learn that "the failure of certain joint-stock banks and of some mercantile firms produced such an extent of distrust as led Her Majesty to authorise Her Ministers to recommend to the Directors of the Bank of England the adoption of a course of proceeding which appeared necessary for allaying the prevalent alarm." It is therefore evident that it is the Government which has again recommended the Bank to suspend the law and to pass the limit fixed by the existing Statute; and therefore when Her Majesty's Ministers come forward and ask for a Bill of indemnity I think I am only recommending a prudent and a proper course when I say that we ought, as the condition of granting such a Bill, to require a frank declaration from the Government of the circumstances which induced them to recommend this policy, and of the reasons which they believe sufficient to render the pursuance of this policy necessary. Now, Sir, from recent discussions, and from the investigations of a Committee of this House which sat for some time on the subject, the House is so familiar with the whole scheme of the Bank Charter Act of 1844 that it would be a waste of time to enter upon its details—in fact I need only allude to its existence. The House is also aware that among those who are resolved to support the practical convertibility of the bank-note—a principle which I trust a majority of this House will always support, though, from the language of the hon. Seconder of the Address, if he represents the opinions of the Government, I won't at all answer for the conduct of Her Majesty's Ministers in this respect—but the House is aware that among those who are in perfect accordance of opinion on that great principle there are still many men of the highest authority, not inferior to any of those statesmen or literary economists who have obtained such celebrity from their connection with the Act of 1844, who dispute the very principle on which that Act is founded, and to the fallacy of that principle attribute the occurrence, or the aggravation rather, of those evils which have been referred to, and who have given to a Committee of this House ample evidence in support of their opinions. For myself, I offer none of my own on the subject on this occasion, when by common consent we are not to be considered as engaged in a currency debate; but it is, in my opinion, the duty of Her Majesty's Ministers, or of men who aspire to be Ministers, or have any following in this House, to have on these points of controversy a distinct and definite judgment. I learn with great regret that the right hon. Gentleman the Chancellor of the Exchequer has given notice that to-morrow he will move to introduce this Bill of indemnity in Committee of the whole House, and also that he will move for a Committee to consider the operation of the Bank Charter Act of 1844. Now we shall be doing exactly what we did in 1847. In 1847 the country was panic-struck and half ruined. Parliament was called together, and the country looked to it for the expression of some distinct opinion. A Committee was appointed. Ten years have elapsed. The same occurrence take place. Parliament is again called together; and what is Parliament, and what are Ministers—the most influential Members of Parliament, about to do to meet the difficulty? Again they are going to evade doing that which is the duty of every statesman in this country—to lay down in this House the opinion which they have formed on this subject and to call on the House to maintain that opinion. Instead of that—and I deeply regret it—we are to have another Committee on the Bank Charter Act of 1844; and I suppose that in 1867, after a repetition of the same mischances and the same miseries, the same fruitless and bootless process will be adopted of appointing a Committee on that subject in this House. Why, Sir, just consider the previous Committees which have been appointed by this House with reference to this subject. Before the

Bank Charter Act was passed you had a Committee on the subject of the issue of bank-notes. It was a Committee appointed to prepare the public mind, to inform Parliament on the question, and lead to the adoption of that project. You had the most eminent men called and examined before that Committee. A great body of evidence was offered, mainly by the supporters of those views which were afterwards embodied in the Act of 1844. You had that body of evidence placed before you. In consequence of the report of that Committee you passed the Act of 1844; but only three years elapsed when you were obliged indirectly to suspend the Act, and then in 1848 you appointed a Committee of Inquiry. You again collected evidence, and evidence of the highest class, from all quarters, from the representatives of all schools and the professors of all doctrines upon the subject. At the beginning of the present year, again another Committee was appointed. Thus you have had three Committees. A crash comes, and now we are to enquire again. And this too at a time when there is a great programme before us, for although we are called here suddenly merely to consider the violation of an Act of Parliament from a sense of duty on the part of Government, it is a very important programme of policy that is placed in our hands. These are no mean subjects that are placed on this paper. This is not a Queen's Speech like some documents of the kind that it has been my fate to criticise from this table, embodying a pompous enumeration of petty questions. You may have it expressed in somewhat mystical phrase, but, according to the expositions of the authorities of the evening, we are called together to consult about the form of government of the greatest of our dependencies; we are to consider how we can reconstruct the constitution of this House; and we are also to consider the principle on which the currency of this country ought to be established. Now, I say without any hesitation that of these three important subjects the one that is bound up in the discussion of this Act of indemnity is the most important. You may regain an empire you have lost, you may alter and not improve the constituent body of this House; but a currency established upon just principles exercises the most general influence that can affect society. It touches all classes, and men who are dull and insensible to imperial grandeur or even to political rights have a very nice and near interest in the decision we may come to on this transcendent point. Well, then, I say this is a subject on which Her Majesty's Ministers ought to have made up their minds. Are Her Majesty's Ministers going to stand by the Bank Charter Act of 1844, or are they not? That is really the question which the country wishes them to answer. If they are going to stand by the Bank Charter Act of 1844, I shall myself hesitate before I can agree to the Bill of indemnity, because I do not think they were then justified in departing from the letter of the law. If, on the other hand, they are not going to stand by the Bank Charter Act—if they have a policy—if they come forward and tell us they are prepared to make amendments and mitigatory arrangements with respect to that Act, and that because they are convinced they are necessary they did not hesitate at a moment of suffering and emergency to recommend the suspension of the law—then, I say, we must not be scrupulous about this Bill of indemnity, but grant it without reserve or reluctance, and wait with respect and interest for the propositions which Her Majesty's Ministers are going to make. But, if, after all the country has gone through, we are to do exactly that which we were doing before these difficulties and dangers and all this dislocation occurred, it appears to me that we should forfeit the confidence and respect of the country. And if indeed the noble Lord wants to lay a good ground for an extensive measure of Parliamentary Reform, I think he could have no better than to be able to say that the representatives of the people met in consequence of the summons of the Sovereign to consider a great emergency, and that they could do nothing but follow the same fruitless, bootless ceremony that we were pursuing before these sad events occurred. I make no doubt that hon. Gentlemen have during the recess given some attention to the labours of their Committee on the Bank Charter Act. I make no doubt there are many gentlemen in this House whose studies and researches on the subject have not been limited to the inquiries of that Committee. I have no doubt from the interest they have taken in the subject, that they have gone back to the report of the Committee of 1847 and to that of 1840, and have also made themselves acquainted, as the Seconder of the Address announces he has done, with the

labours of the Committee of the House of Lords on the same subject. Now, I ask those who have taken this pains—including, I have no doubt, the majority of those I address—whether in the report of the Committee of last session, though it contains a great body of evidence, distinguished by the knowledge which it brings to bear upon the question, by the thought it displays, and the commanding and sufficient information which it gives as the bases of legislation—they have found a single new fact or a single new principle? Not one; and I defy any man to bring more information, or to imagine more theories than were submitted to the scrutiny and sagacious criticism of that committee. You have Lord Overstone before you, a man of commanding intellect, and who is singularly happy in the expression of abstract ideas; you have him conveying, in masterly language, the conclusions at which he has arrived with his peculiar powers of investigation. But are we to have the evidence of Lord Overstone in 1857 repeated in 1858 before this projected Committee, which I trust the House will not grant? What would it be but a repetition of those admirable pamphlets which we all of us have in our libraries? Then you have Mr. Tooke or his pupils, who ably represent his opinions. Nothing can be more extensive than their researches, nothing more painstaking or instructive than their investigations. I do not think that in the literature of any country there is to be found a mass of economical knowledge arranged with greater carefulness, or compiled with greater accuracy, or the results of which are placed with more lucidity, than Mr. Tooke has exhibited in his great work on "Prices." But we have his great work on "Prices." These are library works, let us study them there, and not seek these results by fresh *vivâ voce* investigations before a Committee. On the Treasury bench I see experienced statesmen, who have sat in this House for a long period of years, who have been Members of all the Committees to which I have referred, and taken part in all the great debates on the currency, and on the principles on which the circulation of the country should be established—men thoroughly competent to understand any subject, and to enlighten and guide this House; and am I to be told that the moment when of all others it is important that this subject should no longer be left in uncertainty, in that state in which it has remained for ten years, all of us are to give up any attempt at its solution in despair, and that we are to allow it to drift on and drift on till fresh calamities and renewed disasters occur, and we are forced to adopt measures which we may afterwards have cause to deplore? Under these circumstances I must express my hope that Her Majesty's Ministers will reconsider the notice that they have given us this evening through the Chancellor of the Exchequer. I hope that Ministers will frankly answer the question whether they intend to stand by the Bank Charter Act or not. If they do intend to stand by the Bank Charter Act without amendment and without mitigation, I hope they will communicate frankly and fully to the House the circumstances under which they thought themselves justified in recommending the suspension of an Act which, if they stand by it, they must consider one of vital benefit to the country. I do not see how they can justify the advice they then gave if they now tell us "that Act we are prepared to uphold." If, on the other hand, they announce that while they ask for a Bill of indemnity for adopting a step which, in a great emergency, they thought was for the public good, they have not shut their eyes to what has occurred; that they have been learning the lessons of experience, and that they are now prepared to recommend a measure for the adoption of Parliament which will be be a remedy for acknowledged grievances, which will prevent the aggravation of a similar pressure, which a staunch adherence to the Bank Charter Act under all circumstances will occasion—a measure which in their opinion is a just, fair, and scientific settlement of the difficulty—then it will be the duty of Parliament to accord them that Bill of indemnity without delay, and to assist the Government in the solution of the difficulty. But against the course which has been intimated to-night I humbly and earnestly protest, and if hon. Gentlemen who are anxious that the Bank Charter Act shall remain untouched and uncriticised support the Government in this course, I think they are taking a course perilous to those principles of currency which they wish to see upheld. I would say, indeed, that nothing can be more injurious to the policy they uphold, than to allow a law to exist which in moments of emergency and difficulty is always suspended, and which in moments of tranquillity is always submitted for in-

vestigation to Committees of the House of Commons. That is a monstrous state of affairs to exist with regard to any law, and much more with regard to a law regulating the currency, and therefore I do hope that before these discussions are finished, conducting them, as I trust we shall do, with the utmost temperateness, we may induce the Government to take that course which will be for their own honour and for the benefit of the country. Sir, there are several other subjects which I shall feel it my duty to touch upon to-night. It must be a source of the greatest satisfaction if my interpretation of one of the paragraphs in the Speech from the Throne be correct —I mean that which declares that our relations with our neighbours are of an amicable character. I qualify my remarks by assuming that my interpretation is right, for I am bound to say that the passage has led some minds to a very different conclusion. The paragraph is as follows:—

"The nations of Europe are in the enjoyment of the blessings of peace, which nothing seems likely to disturb."

Now, several of my hon. Friends have put upon this passage an interpretation that may be correct, but which I, taking a more hopeful view, can scarcely suppose to be accurate. They seem to think that something like an expression of regret is conveyed in that paragraph—as if the noble Lord (Viscount Palmerston) had said "I have done all I could to get up a difficulty with the European Powers, but, I am sorry to say, I have not succeeded. We are still at peace; and I am able to bring before you nothing, really nothing, that promises to disturb the universal tranquillity;" as though in that bold language which renders the noble Lord at all times popular, he said, "I have done my best, but for this once the turbulent and aggressive policy has failed. I cannot help it, but we are in for it; we are at present all at peace." [*Loud laughter.*] That, however, is not my interpretation of the words, though I perceive that it is accepted by the House. I presume the paragraph to mean that there is a considerable chance of tranquillity in our foreign relations, and I enter the more willingly into that belief because about a month ago, when Parliament had been prorogued to the Greek Kalends, and just when Her Majesty's Ministers were going to violate an Act of Parliament, there occurred a great anniversary, which in this country is not only of social but political importance, and as such is appreciated by all parties. The occasion is one when all the head men of the country attend, and which during the absence of Parliament affords an opportunity for the Minister of the Crown to give that information on weighty affairs which in a free land like this ought to be imparted to the people. The right hon. Gentleman who is at the head of the magistracy of the city is a Member of this House, and fortunately sits on this side of it, and he will correct me if I am inaccurate as to what occurred when the noble Lord attended that anniversary. Judging from the speech which the noble Lord is reported to have made on that occasion, I own I shared the pervading alarm that we were about to be involved again in those difficulties, in which we have generally found ourselves under him, and from which he is so proud to extricate us. An appeal was then made by the noble Lord to all the belligerent passions of the country with that eloquence and emphasis which the noble Lord always employs. Since that memorable speech of old Harry Dundas, delivered during the revolutionary war, when he declared that one Englishman could beat three Frenchmen, and which was recorded afterwards as a statistical fact, I hardly know any speech which has produced so great an effect, and which was more calculated to animate the heart of a country on the eve of being tried by exigencies of the most perilous character. It was quite clear from the expression of the noble Lord that it was a Sovereign, and one apparently of no mean order, who must have meditated war, and some thought even the invasion of the country. That it was a Sovereign of no mean order there could be no doubt. It was clear there had been an Emperor who had threatened us, and the people of England, seeing no further than their noses, could not make out who it could be. The Emperor of Russia, they supposed, might have had enough of it, and so they thought it must be the Emperor of the French. But the speeches of to-night have dissipated that belief. If there be a King who is going to make war upon England, it must be the noble Lord's old friend the King of Naples; and if an Emperor is going to invade our territory, it must be the other old friend of the noble Lord, the Emperor of China. I will not stop a moment here, when we have so many subjects of importance be-

fore us, to remark upon the situation in which our plenipotentiary in the Chinese waters is now placed. Still, one naturally regrets that that "deep and eternal stain upon the honour of the flag of England" about which we heard so much at the beginning of the year has not been washed out. A "ruffian and miscreant" still presides over the city of Canton—notwithstanding the invectives of the noble Lord from the hustings of Tiverton, and it is not difficult to perceive that the quarrel in China has served Commissioner Yeh as well as some one else. But, as we have graver matters before us, I will leave that once all-important subject to be amply discussed on the report upon the Address. Her Majesty in Her Gracious Speech today has adverted to that subject which, apart from the sufferings of the commercial world, has commanded and absorbed all the thought and feeling of the country. There are none of us here or in any part of Her kingdom who will not, I am confident, sympathize with Her Majesty in Her admiration of the heroic efforts of our gallant troops in India. Sir, it was said in 1848, when the very foundations of society in France seemed shaken, that "France was saved by the army." I am sure it may be said with more truth that our Empire in India has been saved y the Army—saved, too, by an Army ich we must never forget owes nothing to Cabinets in London or to Councils in Calcutta. "Alone they did it;" and long will the memory of those startling acts live in the recollection of the proud nation which inhabits these isles. Mr. Canning once said, in a speech in this House, speaking of India, "that it was a land fertile in heroes." Mr. Canning, when he used that glowing expression, must have spoken as much from prescience as from memory, for if we look through the long list of heroic men who have illustrated the history of this country since that great land was under our dominion it is doubtful whether in civil prudence, military skill, or soldierlike valour there are any who excel those names which are now in the mouths of the people of England. Many of them remain; many of them will receive from their Sovereign and a grateful country those acknowledgments of their great and gallant qualities which every Englishman is proud to express. I hope we shall be appealed to in this house to show that we are not wanting as the representatives of the people in the expression of those feelings which such achievements deserve, because, depend upon it, however splendid may be orders of chivalry, however proud a man may feel of obtaining by his sword a glorious independence, still we know it, from the frank confession of some of the most eminent men this country has ever produced, that the thanks of Parliament have a charm with them which few recompenses can equal, and that often in the hour of battle they have felt they were doing that which might entitle them to the sympathy of the House of Commons. Some may receive that sympathy. Some unfortunately are gone. But when we remember the name of Wilson—when we remember the name of Havelock—and others who have distinguished themselves, let us never forget the intrepid Nicholson—let us spare a tear to the fiery Neill. What these men have done cannot be calculated until some time has elapsed. What has been neglected to be done by others can only be estimated when some months also have passed away. What strikes one throughout these extraordinary transactions is the total unpreparedness of those who were responsible for the government and the condition of this great Empire. I had occasion before Parliament was prorogued to make some observations on the state of our Indian Empire, and while I took the liberty of stating some of what I conceived to be the causes which had led to a chronic state of discontent among the most powerful classes in that country, I said then there was a primary and proximate cause for the insurrection, which is now acknowledged in Her Majesty's Speech to be a widely-spread revolt, and I said that was the annexation of Oude. What happened on that occasion? Why, Her Majesty's Government treated that allusion to Oude as the cause of this widely-spread revolt with derisive amazement. They said nothing had ever occurred which could in any way connect Oude with the melancholy intelligence which we were then just receiving. They said of all imaginable causes of discontent the annexation of Oude was the last to be referred to. No doubt, speaking with the authority of men who ought to have been masters of the subject, this greatly influenced the opinion of the House. But I ask the House now, are they of opinion that the annexation of Oude had nothing to do with this widely-spread revolt? However multifarious the controversies as to the various causes, is there any point on

which men are more agreed than this—that among the chief and certain causes of that widely-spread revolt was the annexation of Oude? I am not mentioning this with the view of entrapping the House into a discussion of our Indian position at this moment, but to illustrate a point of very great importance, and to show the fatal consequences of a neglect of the principle which I then endeavoured to force on the adoption of the Government and the attention of the House of Commons. I said then that it was absolutely necessary to begin by ascertaining the cause of this revolt, because unless you ascertained the cause it was impossible to apply an adequate remedy. "No!" said a great authority, "that is quite unnecessary. All that we have to do is to put down the revolt, and we will inquire into the cause afterwards." Now, look in what a position you have placed the country by neglecting that important principle I endeavoured to impress upon you—of endeavouring to ascertain the cause of this widely-spread revolt. Very early in the year there was intimation of the great disasters which have since occurred. On the 8th of February there was a mutiny, and not an inconsiderable mutiny. It may be said, "There have been mutinies before, and we had no right to suppose that the mutiny would become a widely-spread revolt." Such may be the language of mere Members of Parliament, or of people in the streets, but it is not the language of statesmen who are responsible for the safety of an Empire—because, I say, the mutiny of a regiment or of four regiments of Sepoys must have been to a Minister always meditating on these things an incident of some significance. That was known in England on the 10th of April, but was not enough to make men think. One month afterwards there was another considerable mutiny, and in a different part of India. That showed concert. There was evidence, as I pointed out in July, at least popular evidence, of great concert throughout the country. Was that not enough to make men think? If Her Majesty's Government—I care not whether in Downing-street or in Calcutta, for we can only look to the Government who are responsible to the people—if Her Majesty's Government had only given their minds to the subject as wise and prudent men, instead of allowing it to come upon them with the surprise of children—if they had been awake and alive to what was passing, would they have left a recently-annexed kingdom, with all the elements of danger in a discontented nobility and a disbanded army, uncared for? Would they not have felt that their eye must be on that kingdom, that they must have resources sufficient, that they must be provided and prepared? Would they not under such circumstances have put their finger upon Oude, and thought, and reflected, and acted? What did they do? Oude was left without a soldier. I am not going into the general neglect of Indian administration and the cause of your disasters. I am not asking whether, when you heard of mutiny, you ought to have left a place like Delhi with a Sepoy garrison. I am discarding the whole of the general question, and confining myself to the proof of the validity of the principle which in July I endeavoured to enforce upon the Government of the Queen. Oude was left without a soldier. Not the slightest attempt was made either to send up forces from Calcutta or to bring them down to Lucknow. Oude was totally neglected, and for a very sufficient reason—the reason confessed by the Minister who followed me in that debate, that in the opinion of the Government Oude had nothing to do with this question of mutiny, and there was not a symptom of disorganization or insubordination prevailing in that kingdom. What have been the consequences of not ascertaining the cause of the revolt before you attempted to put it down? After your long unpreparedness, after the strange manner in which you involuntarily imbibed at last a conviction that your empire was in danger, after a loss of weeks and months in fruitless questioning in this House, in desperate efforts to attract your thoughts to the dangerous position in India, at last, when Parliament is about to be prorogued, at the very last hour almost, your eyes are opened to the greatest emergency which ever occurred in the history of this country, and you take those steps which the public force you no longer to neglect—you command your resources to be sent to Calcutta. What was your position? You had the North-western Provinces in insurrection, and the whole of your communications were cut off between Calcutta and those provinces. And why? Because you had not thought of Oude. An insurrection raged in Oude and the provinces connected with it, and the massacre at Cawnpore and the siege and extreme peril which even now beset Lucknow are totally owing to

that unfortunate misconception of the cause of the mutiny. But is that all? There is another grievance arising from the same source. You have, I will assume, an immense army at Calcutta and the neighbourhood. How are you to advance that army into the interior? What are your means? No doubt you suppose that if you import the strength of the country there will be no difficulty in obtaining commissariat and transport supplies in India itself. But Bengal cannot furnish such supplies. A country of sultry plains, consisting of nothing but rice fields, does not produce means of transport. You must have arable land, and agriculture in various forms, and then you have carts, bullocks, camels, and elephants. You do not arrive at this kind of country until you get to Oude and the provinces contiguous to it. You have now no means of moving up your troops, because you counted upon obtaining them, as you did in the old days of Indian warfare, from this very Oude. When you invaded Affghanistan you wanted means of transport, and you went to Oude for them. Even the war elephants of the King of Oude were presented to you for that expedition. It was from Oude that you always obtained your means of transport, and those means are not now at your command. If you had known of the condition of Oude—if you had foreseen that which has occurred—you might have got transport elsewhere. You might have got 20,000 bullocks from Madras, which would have moved your army, but not a single provision has been made, because you counted upon your usual sources of supply, and you have at this moment only 700 miserable bullocks, the common Parcel's Delivery Company of the country, which will not move more than a single battery of artillery. All these consequences—your communications cut off with the principal scenes of action and the total deficiency of the means of moving your army—have arisen from your neglecting to ascertain the cause of the revolt before you devised a remedy to put it down. There is a paragraph upon this subject of India in the Queen's Speech upon which I must solicit the interpretation of the Governmen. Her Majesty says:—

"The affairs of my East Indian Dominions will require your serious consideration, and I recommend them to your earnest attention."

I think the Government are bound, and I cannot think that they will refuse, frankly to explain what this paragraph means. Under ordinary circumstances I certainly should have supposed that Her Majesty's Ministers, having measures of great importance of a legislative character to introduce to Parliament on the subject of India, had felt it their duty in the most solemn and formal manner at the commencement of the session to call the attention of Parliament to the purpose which they entertained. But we live in such a remarkable age, an age of confidence and semi-confidence, of communications which are official, and communications which, though anonymous, are thought to be more authoritative in some instances than communications which are official, that there is great ambiguity as to their intentions, which is extremely inconvenient, and which should be explicitly removed at the earliest possible period. It is quite impossible that the Government can intend to treat India in the same way as the Bank Charter—refer it to a Select Committee. If that be the case, the only Act which will be passed this Session will be the Reform Bill. I am sure that cannot be the intention of Ministers, and I hope they will feel that if it were necessary to introduce into the Speech a paragraph of this character, it is also necessary that it should be accompanied by a frank interpretation. I think I could describe this paragraph myself, if the Ministers have no better explanation of their own to give. I should say that it was "a compromise paragraph." It gives one the idea that somebody has wanted to do something about India, but that somebody else has not been of the same mind, and it has been decided, therefore, that there shall be something introduced into the Speech which shall give the country and the House of Commons to understand that Her Majesty's Government are deeply sensible of the gravity of affairs, and of the weight of responsibility, but at the same time are not prepared to do anything to vindicate the one, or to remedy the other. This is no trifling matter. Is it the intention of the Government to legislate for India? Is it their intention to propose a new form of administration for that country? We have heard a great deal about the double Government and its evils. In 1853, a noble Friend of mine made a Motion, not asking you to condemn the double Government, but asking the Ministers not to establish that double Government without previous enquiry. That was resisted, and I can hardly believe, therefore, that,

having established the double Government without inquiry, Her Majesty's Ministers in 1857, after all these great events, are only going to do that which my noble Friend recommended in 1853. Everybody knows the evils of a double Government. Its weakness is contained in the very phrase itself, but the faults of the double Government have not been particularly displayed in the recent transactions. I am not aware that any one has alleged that that form of Government has been the cause of the recent events in India. What has occurred in India has been produced by policy—by the conduct of those who had the government of India. It has not been an affair of administration, it has not arisen from the mode of taxation, nor from the way in which justice has been administered, at least not primarily and particularly; but in the first instance by policy, aggravated by the great neglect of those who are responsible for the Government. I am not at all aware that the double Government is particularly responsible for these great calamities (though I trust we shall find out at some time who is responsible for them), but really, if the double Government is to be abolished, I, for one, should hesitate before I agreed to commit the powers which it still possesses to the hands of those who in the exercise of their present amount of power have shown neither discretion, sagacity, knowledge of what was going to happen, nor readiness at devising remedies for evils after they had happened. Nevertheless, if such a measure is brought forward, I have no doubt the House will give it a candid consideration, but at this stage of the business it is but due to the country and to Parliament that Ministers should be frank upon the subject. As they have thought fit to introduce ambiguous sentences on this important subject into the Speech, they should in debate explain to the House what their intentions are, and whether they mean that they are prepared to recommend to Parliament to legislate for India, and to devise a new form of Government for that country, and if such be their intention to say when that proposal will be laid in detail before the House. There is one subject on which it is unnecessary to trespass on the House for more than a moment, but which I cannot pass over without notice. Her Majesty in Her gracious Speech says :—

"Your attention will be called to the laws which regulate the representation of the people in Parliament, with a view to consider what amendments may be safely and beneficially made therein."

It is not for us to be captious on the conduct of a Government which thinks itself able to deal at the same time with varied and important subjects. Heretofore it has rather been our habit to say of our Governments that they do nothing. At the end of a session it has come to be a sort of constitutional custom to prove satisfactorily to the country that the Government have really passed no measures, and ultimately there has been a want of confidence in an Administration if you could show that it was an Administration which did nothing. But if we have a Government which goes upon a different tack, and which, instead of being a Government which does nothing, is to be a Government which does everything, it does not become us to be captious and critical before the time. I am therefore perfectly ready to believe that Ministers have their measures matured upon all these great questions—the currency, the government of India, and the reconstruction of the representative body, and that in due time, more particularly as the Session has commenced at so early a period, we shall have them all before us. With regard to this particular measure of Parliamentary Reform, I trust that whenever it is introduced to our notice we shall find that it has been devised fairly for the public weal, and not to increase the political following of any particular party. I will do more than express my hope—I will express my belief that it is no longer on this subject in the power of any political combination to force such a measure through Parliament. We are all of us, all sides and all sections, much more learned upon this subject of Parliamentary Reform than we were in 1832. The brazen bellowings for "the Bill, the whole Bill, and nothing but the Bill," have proved a very fruitful and salutary lesson to the people of this country. All the people who hallooed most loudly in that manner have since done penance in public, and have expressed their sincere regret at having so deluded themselves. I took the liberty at the early part of the last Session of moving for certain returns with regard to the taxation and population of the country which I thought would assist hon. Members in their consideration of this subject. Probably many hon. Members, not so sanguine as to think that the Reform Bill would be referred to in the

Queen's Speech, have not studied those returns; but I would humbly recommend them to the earnest attention of every one. They will find them full of accurate information; they have been drawn up by official men, totally incapable of personal prejudice or party feeling, and they offer such a mass of information on the subject that I am sure, if well digested and acted on in a wise and comprehensive spirit, the consequences will not be hostile or injurious to those ancient institutions which I trust we—on this side of the House at all events—shall always be prepared to uphold. But there is one observation which I would make on this somewhat curious matter. The subject is not one of novel invention; it is not one with respect to which the Government have been called upon to legislate hastily; but it is one which has for a considerable time been under the notice of Parliament. For the last five or six years there have been Ministers who have either introduced, or have promised to introduce, Bills with respect to it, and there have been several such Bills, though they have not been further advanced, laid upon the table. The subject, therefore, is perfectly matured. Certainly it must be matured by the Cabinet of the noble Lord, because on the very first day that he took office we were assured that there were great facilities for the formation of his Government owing to the complete understanding that existed throughout all the Liberal party on the question of Parliamentary Reform. In fact, the noble Lord intended to bring forward a Bill last year. Under these circumstances I think I am only making a fair request of the noble Lord—and it is one which I trust the House will by its sympathies enforce—if I ask him to lose no time in introducing that Bill. I do not expect that he should solicit the immediate and precipitate decision of Parliament upon it; but I say, let us have it introduced at once, and let us have the advantage of the Christmas recess and during the holidays of becoming acquainted with its provisions; because nothing is more unwise, and nothing can keep public feeling in a more fretful state, than the constant idea of a Parliamentary Reform Bill being held over the heads of the people of this country. We want to know, if there are to be changes in the most important of all our institutions, what those changes are to be. That is a feeling which is not confined to this side of the House, or to what is called the Conservative party in the country; but I should think that all men must be of the same opinion, and that all must feel the great importance, now that we have a Reform Ministry, a Reform Minister, and a Reform Bill, that we should have the Bill at once. The House will see, if the course which I recommend be not adopted, the extraordinary inconvenience which will accrue. No person can bring forward a Bill which affects the distribution and disposition of political power in a country like England, and expect that such a Bill is to be passed like a Bill of indemnity for violating a Currency Act. Of course the country will expect, and the House will insist upon, ample time for study and consideration after the noble Lord shall have introduced his measure and made an exposition of his policy. But if this Bill is to be brought in in the spring, and if great delay takes place before the second reading, the result will be that we shall either have a Bill which will be ultimately hurried through Parliament, or we shall have the question again postponed, and, it may be, considerable agitation with respect to it. Parliament and the country, then, being now in a good temper on the subject, and the time being not unfavourable to the calm and candid consideration of any measure brought in upon the responsibility of a Minister on such a topic, if the noble Lord will only take an early opportunity—perhaps he will name the day to-night—of introducing his measure, we shall be perfectly prepared, on the reassembling of Parliament at the end of January or beginning of February, at once to enter upon the debate. It may be a warm debate, it may be animated, it may be even acrimonious; but it will pass, it will be forgotten, and the thing will end. But if that course be not adopted, the result will be great public dissatisfaction and much Parliamentary inconvenience. I trust that the noble Lord, therefore, will think very favourably of this suggestion. It is clear, if the noble Lord gets his Indemnity Bill as a matter of course,—which he will do if he makes a frank statement of the changes to be proposed in the Bank Charter Act, and which I am sure will be consistent with the perfect and practical convertibility of bank-notes—that there will be very little business before us during this short session. We have nearly a month to Christmas-eve, and, after passing the Indemnity Act, nothing could be more

profitable or agreeable than to hear from the noble Lord a complete exposition of the scheme of Parliamentary Reform which is now introduced into Her Majesty's Speech. I must apologise to the House for having detained it so long; but on an occasion of this sort one's observations must necessarily be desultory. The topics which we are invited to consider are, however, very important, and in treating them I think that we can do nothing better than agree with Her Majesty in "fervently praying that the blessing of Almighty God may attend our counsels."

VISCOUNT PALMERSTON: It is certainly quite natural that the right hon. Gentleman, who is of course more at home and at ease in this House, leading as he does a great party, than he can be at any other time and place, should be in the height of good-humour at finding an unexpected opportunity of actively displaying the ability which distinguishes him; and no doubt his speech is one of which it is impossible to say otherwise than that it is marked by that good-humour and that plenitude of wit which usually characterize the right hon. Gentleman's performances. The right hon. Gentleman began by criticizing the course which Her Majesty's Government pursued in regard to the prorogation of Parliament on the 4th of November, and the calling it together again on the 3rd of December, and the right hon. Gentleman thinks that there were circumstances connected with the condition of the country in the end of October and beginning of November which ought to have led to some different course being adopted from that which the Government did adopt. He did not exactly state that, but he left it to be inferred. There was, however, nothing on the 4th of Nov. which appeared to Her Majesty's Government to call for that course which we afterwards found to be necessary, and we therefore pursued the ordinary mode of proceeding, and prorogued Parliament to the usual period to which from time to time Parliament is prorogued. The right hon. Gentleman seemed to argue as if we had in some way or other, by having prorogued Parliament from the 4th of November to the 17th of December, precluded ourselves from calling it together at an earlier period, even if unforeseen events should arise to make it necessary. The proof that that was not so is the fact of our being assembled here to-day. We knew perfectly well, if any unforeseen event should render an earlier meeting necessary, that the constitution afforded the means of calling us together sooner; and therefore there was nothing in the course which we pursued which could have prevented us meeting at an earlier period, if an earlier period were desirable. The circumstances which led us to recommend to the Bank the step which has been adopted were circumstances which fell suddenly upon us. It became evident to my colleagues and myself that the state of public credit, the state of the different banks and of commercial transactions generally, did require that measure, and if it had not been adopted I believe that great evil and disaster would have resulted. To recommend to the Bank or to any public body to overstep the law is not a matter to be done lightly and without due consideration, and we were unwilling to adopt that course until we found that its necessity was urgently pressed upon us. I believe we did not delay it too long; I am quite sure that we did not do it too soon; and I am satisfied that those who are best acquainted with the state of matters at that moment will do us the justice to think that the occasion required us to do that which I admit no Government ought to do without real, grave, and urgent necessity. My right hon. Friend the Chancellor of the Exchequer, however, in moving to-morrow the preliminary stage of a Bill of indemnity, will state to the House more in detail than is expedient at the present moment the various circumstances which made us think that step necessary. In referring to that paragraph, which the right hon. Gentleman treated in his usual gay manner, respecting the perfect peace which fortunately prevails all over Europe, the right hon. Gentleman made some allusion to what fell from me on that festive occasion to which he referred, and he seemed to consider that I had announced to the country that we were in danger of some great invasion, not from the Emperor of China or the King of Naples, but from some other Government from whom aggression was to be apprehended. Sir, I made no such intimation, and I felt no such apprehension. On the contrary, all the Governments of Europe had expressed the most friendly disposition towards us; and with respect to France, I am sure that it is impossible to speak too highly of the friendly communications which we had received from the Government of that country. Not only did the Emperor of the

French say that if we were desirous of sending our troops across Egypt to the succour of our East Indian possessions, he would use any influence which he might be supposed to possess over the Government of Egypt for that purpose, but he even said that if we thought it desirable to send our troops through the territory of France, he would be happy to afford us all the facilities in his power. It would be most ungrateful and most unfounded, indeed, if we were to entertain the slightest notion that there was any unfriendly feeling towards us on the part of a country which had done everything in its power to show the sincerity of the friendship which they felt to this country. The right hon. Gentleman said that the few words which I spoke on that occasion were calculated to animate the hearts of this country. Why, Sir, that was my intention, and not without grounds, for I think that the events in India of which we were then receiving accounts from time to time were calculated to animate the heart of every Englishman. I think that the contemplation of the heroic deeds of our countrymen, scattered as they were throughout every part of India, fighting sometimes as single men, and at others in very small numbers, and resisting the surprises and attacks of superior numbers, were calculated to animate the heart of this country; and the language which I used on that occasion only spoke the sentiments of my fellow-countrymen, and I believe that it was re-echoed from one end of the land to the other. With regard to what the right hon. Gentleman said about the gallant deeds of our countrymen and the gratitude which every man ought to feel towards those brave men who showed themselves worthy of their country in every part of India, I am sure every man in this House must have gone to the full extent of those sentiments which the right hon. Gentleman with so much eloquence, and in a manner so worthy of himself, expressed. I think there is nothing that anybody could say in addition to the high praises which the right hon. Gentleman has passed upon those distinguished men to which this country would not cheerfully assent. It will be my duty on the earliest day which the forms of the House will admit, to bring down a message from the Crown recommending that a provision should be made for Sir Henry Havelock, in addition to the rewards which have been already bestowed upon him. I am sure that the House will feel pleasure in associating itself with the Sovereign in marking the distinguished services of that gallant officer. General Wilson, who has also been created a baronet, is, as is well known, in the service of the East India Company—or, at least, the East India Company claim to have the privilege of doing for him an act similar to that which the Crown will do for Sir Henry Havelock, who is one of the Queen's officers. The right hon. Gentleman wishes that we should now explain to the House what course we mean to recommend with regard to the Government of India and Parliamentary Reform. He would, no doubt, be glad to have these measures to con them over during the Christmas holydays. I hope that the right hon. Gentleman may have the means during that recess of occupying himself in a manner more agreeable and more suited to his genius than in considering the dry details of a Bill about India, or the more complicated details of a Bill about Parliamentary Reform. But, however much he may wish for this sort of Christmas occupation, I am afraid that I cannot indulge him, because it is not the intention of Her Majesty's Government to enter upon these subjects during the short period which will elapse between the present time and that at which we shall adjourn for the Christmas recess. It will be our duty when Parliament meets after that recess to state our views upon these important matters, and I am afraid that till that time the right hon. Gentleman must amuse himself by his own speculations. I cannot but rejoice that upon an occasion on which the heart of the country is fixed upon events which are passing in the other hemisphere—at a moment when the minds of all Englishmen must be dwelling upon the brave actions of our countrymen in India, and upon the mighty events which are dependent upon the exertions of our troops, it has not been thought expedient by the right hon. Gentleman to move any alteration in the Address which this House is desirous of presenting to the Throne. I trust that we shall to night unanimously concur in the Address which my two hon. Friends have with so much ability and good feeling proposed. I trust that we shall exhibit to the country and to the world a spectacle worthy of this great representative assembly at a moment of so much anxious interest, when such great con-

cerns are hanging in the balance as the reassertion of our authority over the vast dominion of India—and that this House, feeling the magnitude of the interests at stake, and anxious to show that in moments of danger and difficulty this House and the nation are unanimous in supporting the national interests and in affording every possible assistance to the Crown—I trust, I say, that the party of the right hon. Gentleman opposite will agree with the rest of the House—and that this House will unanimously concur in the Address.

Question put, and *agreed to.*

Committee *appointed,* to draw up an Address to be presented to Her Majesty upon the said Resolution:—Mr. WYKEHAM MARTIN, Mr. AKROYD, Viscount PALMERSTON, The CHANCELLOR OF THE EXCHEQUER, Sir GEORGE GREY, Mr. Secretary LABOUCHERE, Sir CHARLES WOOD, Mr. VERNON SMITH, Mr. BAINES, Mr. ATTORNEY GENERAL, Mr. HENRY HERBERT, Mr. ATTORNEY GENERAL for IRELAND, the JUDGE ADVOCATE, Mr. HAYTER, and Mr. FITZROY, or any Five of them:—To withdraw immediately:—

Queen's Speech *referred.*

House adjourned at a quarter to Eight o'clock.

HOUSE OF LORDS,

Friday, December 4, 1857.

THE MUTINY AT MEERUT.

EXPLANATION.

THE EARL OF ELLENBOROUGH said, that on the 29th of June last, when speaking of the disturbances at Meerut, he stated in that House, on information which he had received from the newspapers, that Her Majesty's Carbineers were unable to move until nightfall, although the outbreak took place at six p.m. Since then he had received a letter from Colonel Custance, commander of the Carbineers, in which that officer stated that in "Half-an-hour after the first intimation of the mutiny, though totally unprepared, and labouring under the disadvantage that the horses had only recently arrived, and were totally unknown to the men, chiefly consisting of recruits and volunteers, I marched with three squadrons. We were unfortunately led in the wrong direction by Major Waterfield, the assistant adjutant general, and did not arrive on the proper ground until dark; but, for this, I think neither myself nor the regiment were to blame. We were strangers in India and to the station, and I did not know that we were wanted there. As it was, we arrived on the ground only a few minutes after the rifles and artillery. I trust to your Lordship's sense of justice to give the true version of the case the same publicity as your previous statement."

RELIGIOUS WORSHIP ACT AMENDMENT BILL.—QUESTION.

THE BISHOP OF OXFORD said, seeing the noble Earl (the Earl of Shaftesbury) who last night introduced this Bill, which was read a first time, and who gave notice of the second reading for Monday next, in his place, I wish to ask him whether, after the sort of understanding come to last evening that this short Session before Christmas was to be limited to considering the matter for which it was specially called together, he had any idea of pressing forward a measure of such very great importance, without any notice to the persons interested, in this brief preliminary Session?

THE EARL OF SHAFTESBURY: My Lords, I am not aware that any such unstanding was come to last night, and if there was, I cannot by any means be a party to it. When I laid the Bill on the table I intimated that I would move the second reading on Monday; thus giving, I think, a very sufficient notice for the matter to be considered. It is a short Bill of two clauses, and gives a very small remedy for a great evil, and I think I shall be able to show, when I make my statement to the House, that there are very good and special reasons indeed for the course I have taken in proposing to proceed with the Bill in this brief Session. It is my intention to make a statement, on Monday, in moving that the Bill be read a second time, and your Lordships will then deal with it as you think proper.

THE BISHOP OF ST. DAVID'S: If, my Lords, the sentiments of the right reverend Bench with regard to this Bill do not deserve to be taken into account in the least, and if, when we were all absent, it would be proper to bring it forward, then, no doubt, there would be no reason to complain of the course which the noble Earl has taken, and which he seems determined to pursue; but on a measure so intimately affecting the interests and organization of the Church of England, I think

the opinions of those who occupy this bench are entitled to a degree of weight; and if the noble Earl admits that they are entitled to weight, and yet thinks it natural and reasonable to expect that in the interval between Thursday night and Monday morning a sufficient number of my right rev. Brethren will assemble to discuss the measure, notwithstanding all their engagements in the country, then, I can hardly refrain from treating the attempt of the noble Earl to precipitate such a measure into a law as one which, in my opinion, is scarcely consistent not only with reason but with decency.

THE EARL OF ELLENBOROUGH: I must say it appears to me that the notice given by the noble Earl for the second reading of the Bill is rather short, and does not afford sufficient time to the right rev. Prelates to be present in this House when the Bill comes on; but at the same time, I must observe that I do not feel bound by such an understanding as that alluded to, and that I think any noble Lord is perfectly at liberty to introduce any measure this Session.

THE BISHOP OF OXFORD: I understand the noble Earl opposite to say, he thinks he has given abundant time, and that he shall be able to show, on moving the second reading, sufficient reasons for the course he has adopted. Now the Bill which was introduced last night, has not yet been printed and placed in our hands, and we are at present ignorant of its contents. The noble Earl no doubt communicated privately to the Archbishop of Canterbury the heads of the Bill, and met with a most earnest solicitation to defer it. His Grace undertook, on behalf of the Bishops of England, to press on the noble Earl the indecency [*Laughter*]—the indecency—I repeat it; and the laughter of the noble Earl, however potent he may think it, does not shake one word of what I say. The matter was discussed yesterday at a meeting of the Bishops, and the Archbishop undertook to explain to the noble Earl the indecency of his endeavouring to steal a march upon us by having the Bill read a first time last night, when no one was here who knew what it was—a Bill which, if the noble Earl rightly explained it to the Archbishop, I believe will entirely set aside the fundamental principle of the parochial system of the Church of England. That is the way in which the noble Earl thinks it perfectly decent, fitting, and becoming to deal with such a subject, and in his own infinite autocratic wisdom he will still have the Bill proceeded with on the day he has fixed; and then, without giving the Bishops a chance of even knowing what is the new *régime* under which the whole Church is to be conducted, he will be abundantly satisfied if, when he makes a statement on the second reading, the principle of the Bill be affirmed. But the whole thing turns on the principle of the Bill. I am not prepared now to say whether I will admit or not the principle, but it is a principle which ought to be thoroughly considered before it is adopted. As the noble Earl has explained the Bill, it goes this length—that whereas Parliament has enabled new cures of souls to be created in populous parishes, without consulting the incumbent of those parishes, it is now proposed not to create new cures of souls, but to enable the Bishop of the diocese to introduce into any parish a new clergyman of the Church of England, in spite of the incumbent of that parish. That is a measure which would introduce every kind of division into the Church. Supposing a Bishop does not approve of a particular doctrine enunciated by a parish clergyman, he may send another clergyman into his parish to preach a doctrine contrary to that which was preached in the parish church. All that may be necessary. I do not now wish to enter into the question whether it is right or wrong; but I say it is a great and important change, and that, even as a matter of decency, time and opportunity ought to be given to enable the Bishops to make up their minds upon such a principle before they are called upon to say "aye" or "no," and especially as, at this season of the year, my right rev. Brethren have diocesan engagements which they cannot put aside. I repeat, then, that the noble Earl is stealing a march upon them in pressing forward a Bill, in which they are so deeply interested, in this sudden and indecent manner. I am not now expressing any opinion of my own upon the Bill. All I ask for is—that the noble Earl will give a longer notice of the second reading of the Bill, and I trust that noble Lords will so express their opinion on this point as will induce the noble Earl to acquiesce in granting more time for the consideration of the measure.

EARL GRANVILLE: My Lords, I am sure the noble Earl will be amenable to the wishes of the House; but at the same time I must say that he has been most unjustly

attacked by the right rev. Prelate who has just sat down, and that, too, in a manner most likely to cause him to persevere in his intention as to Monday than otherwise. The right rev. Prelate has been guilty of another irregularity. He has gone into the discussion of the merits of the Bill of which we as yet know nothing. The noble Earl was perfectly justified in reading his Bill for the first time last night, and has a perfect right, if he thinks proper to exercise it, to persevere in raising a discussion upon the second reading on Monday next. Why was it that I myself read an old musty Bill for the regulation of Select Vestries before the Queen's Speech was read from the woolsack? It was to vindicate the right of the House to transact their business without having to wait for the Royal Speech.

THE EARL OF ELLENBOROUGH: I beg your pardon; it is in exercise of a high constitutional privilege.

THE BISHOP of OXFORD: I must claim the noble Earl's attention for a moment. I did not discuss the merits of any Bill, but I endeavoured to point out that it was a matter of importance that we should not proceed to discuss the principle of the Bill on Monday next. We require more than to consider it. My mind is not made up upon it. When the noble Earl said I expressed myself strongly with regard to the conduct of the noble Earl opposite, he should have recollected that it was not until after I met with a refusal to a courteous request, and that my right rev. Brother was similarly treated, and I saw that the noble Earl was determined on carrying on the Bill to a second reading on Monday next. My sole object is to get the House to postpone the consideration of the principle of the Bill until the Bishops of the Church have time to form an opinion with respect to it; and I do still think that the determination to read it a second time, after the repeated and gentle requests to the contrary which have been made to the noble Earl, is an indecency.

VISCOUNT DUNGANNON submitted to his noble Friend (the Earl of Shaftesbury) whether, under the circumstances, he ought not to postpone the consideration of his Bill to a longer day. Many noble Lords who felt strongly on the subject would not be able to be in their places on Monday. No doubt it was a measure of the greatest importance relating to the Church, inasmuch as, if passed, it would materially alter the parochial system, and would introduce clergymen into certain parishes without the approbation of the incumbents.

LORD CAMPBELL deeply deplored that any feeling of irritation should have arisen upon a question so important. The noble Earl certainly was not to blame in getting his Bill read a second time at the hour he had done; but he (Lord Campbell), while he revered the object which his noble Friend had in view, yet feared that he was too precipitate in his zeal, and he would therefore suggest to him, especially as the Bishops of the Church would not be present, that he should not proceed with the second reading upon Monday evening next.

THE EARL OF SHAFTESBURY: My Lords, I confess I did laugh when I heard the reference made to the conversation which I yesterday had with the Most Rev. the Archbishop of Canterbury; but it was because I saw him misrepresented here by those who have undertaken to represent him. It is perfectly true I yesterday had a conversation with that most rev. Primate; but in that conversation, which was conducted in terms of the greatest courtesy and kindness, there was no approach to any such terms as 'indecency' and 'stealing a march.' [The BISHOP of OXFORD: Hear, hear!] I certainly did understand from the right rev. Prelate that the most rev. Archbishop was instructed by the other Bishops to express to me the 'indecency' of proceeding with the second reading of the Bill on Monday next. [The BISHOP of OXFORD: Hear, hear!] If that be so, all I can say is, that he did not fulfil his mission. He did not say one word about my 'stealing a march.' [The BISHOP of OXFORD: Hear, hear!] I am glad that that expression did not come from the most rev. the Archbishop. When I heard it, I assigned it to that quarter to which any one who knows the temper of the right rev. Prelate opposite would assign it. As I see that it is the general feeling of the House that I should not ask the House to read the Bill a second time upon Monday, I shall tell you what I will do. It is necessary for my own justification that I should explain the principles of the Bill as early as possible. That course I will take on Monday evening next, but I shall postpone the second reading to some other day.

Subject dropped.

House adjourned at a Quarter past Nine o'clock, till to-morrow, Half-past Ten o'clock.

HOUSE OF COMMONS,

Friday, December 4, 1857.

MINUTES.—NEW WRIT -- For Ashton-under-Lyne, *v.* Charles Hindley, esq., deceased.

ECCLESIASTICAL COMMISSION BILL—MANAGEMENT OF HIGHWAYS. QUESTION.

MR. KNATCHBULL-HUGESSEN said, he would beg to ask the Secretary of State for the Home Department whether it is the intention of the Government to reintroduce the Ecclesiastical Commission Bill of last Session during the present Session? And also whether it is the intention of the Government to introduce a Bill for the amendment to the Law relating to the management of Highways during the present Session?

MR. MASSEY in reply said, that a Bill would probably be introduced in the other House of Parliament relative to the Ecclesiastical Commission, but that he could not undertake to say whether its provisions would be precisely similar to those of the Bill of last Session. With regard to the management of highways, it was his intention to introduce a Bill on that subject after the Christmas recess.

ENDOWED SCHOOLS.—QUESTION.

MR. GREER said, he wished to ask the Chief Secretary for Ireland whether the Report of the Commissioners of Inquiry in regard to Endowed Schools in Ireland had yet been given; and, if not, when it was expected to be ready?

MR. H. A. HERBERT said, the Report had not yet been presented to the Government. He hoped that it would have been ready last autumn, and such would have been the case but for the illness of one of the Commissioners. He fully expected, however, that it would be ready to be laid before Parliament in February.

THE INDIAN TELEGRAPH THROUGH AUSTRIA.—QUESTION.

MR. CRAWFORD said, he would beg to ask the First Lord of the Treasury whether any arrangements had been made or conventions entered into by or on behalf of Her Majesty's Government with any Companies, Individuals, or Foreign Governments, for establishing telegraphic communications with Egypt and India; and whether any negotiations were now pending, and with whom, in reference thereto? He would also further ask whether the Government would be prepared to inform the House of the terms and conditions of any conventions into which they might enter.

VISCOUNT PALMERSTON: Sir, Her Majesty's Government have been in communication with the Government of Austria on the subject of a telegraphic line, to be established from Ragusa to Alexandria, but the conditions which the Austrian Government wished to attach were, some of them, such that Her Majesty's Government could not with propriety agree to, and, therefore, the negotiation has dropped and no arrangements have been made. I may, however, state what those conditions were. One of them was, that the British Government should engage to use no other line but that for its communications with India; another was, that we should undertake to continue the line from Suez to India. The first condition was one which we did not consider it advisable to enter into, and the second was a condition which we did not see our way easily to fulfil. The negotiation is consequently for the present at an end. At the same time, I am not without hopes that the Austrian Government may themselves establish a line of communication from Ragusa, because it is obvious it would be advantageous to them to do so; and, should such a line be made, we would, of course, be willing to pay for the use of it, as it would be also desirable for us to have such a mode of communication. I may as well state, also, that the Turkish Government proposes to establish a line of electric telegraph from Constantinople or from the opposite shore to the head of the Persian Gulf, in the hope that if it is established Her Majesty's Government or the East India Company might carry it on from Bussorah to Kurrachee.

DISTINCTIONS CONFERRED UPON INDIAN OFFICERS.—QUESTION.

COLONEL NORTH said, he wished to inquire whether the fees payable in respect of the baronetcies conferred upon Generals Havelock and Wilson, and also upon the distinction about to be conferred upon the widow of General Neill, were to be paid by the country?

MR. WILSON said, that three years ago the rule was laid down that in the case of honours conferred upon officers of the two services for gallant deeds in the field, or in action, the fees should be paid by the public. That practice had been pursued during the Crimean war, and he had no doubt it would be followed in the present instance.

MILITARY WARRANT OF 1854.

On the motion that the House at its rising do adjourn till Monday,

GENERAL PEEL said, he would not abuse the privilege of speaking on that occasion by saying a single word more than was absolutely necessary, neither would he even recapitulate the grievances complained of, but content himself with the admission made by the Government that they existed. He would at once beg to ask the Under Secretary for War what had been the result of the inquiry which he stated, on the 11th of August, the military authorities had instituted into the operation of the warrant of 1844, and what steps had been taken to remedy the injustice which he admitted was done by it? On the 11th of August the hon. Gentleman stated that the warrant of 1854 had received and was then receiving the careful consideration of the military authorities, and that in practice it had not answered the expectations formed of it. From that day to the present not a single word had passed upon the subject; and so far from any remedy being applied, the evil complained of was daily on the increase. Officers were superseded by others who were placed over their heads, not from any superior merit, but from the fact of their having served three years. The evil was not confined to this particular class of officers only, for he had received a letter from a very distinguished officer in Her Majesty's service, a colonel of 1851, who complained of the position of officers situated as he was, and represented that officers of the Crown were placed in a much worse position than officers of the East India Company. He might be told, perhaps, that the military authorities had been too much engaged lately to turn their attention to this subject, but, as the warrant was the result of a Commission, he thought the least that might be done would be to appoint another Commission to inquire into the operation of the warrant. He deprecated as much as any one the interference of the House of Commons in the affairs of the army, and he could assure the House that he had no personal interest to serve in bringing the subject forward. He had no relations who were injured by the warrant; on the contrary, several of his personal friends had been benefited by it. His only object was, that justice should be done to officers who had unjustly suffered.

Sir JOHN RAMSDEN said, that the hon. and gallant Gentleman who asked he question had himself anticipated the answer. The amount of labour which had been thrown not only upon the Horse Guards, but upon the War Department, by the sending of troops to India had been so great that it had been found quite impossible for the only members of those departments who were competent to deal with so important a question to devote to it that attention which they desired. He hoped, however, that when the House met after the Christmas recess he should be enabled to state what was the result of the inquiry which was now taking place.

COLONEL NORTH said, that if the question had been one that had now only arisen, he could understand the reply of the hon. Baronet, but he (Colonel North) had brought the subject under the notice of the House three years ago, and therefore the war in India could be no real excuse for the delay that had occurred.

VOTES OF THANKS TO THE INDIAN ARMY.—QUESTION.

SIR DE LACY EVANS said, he wished to ask the noble Lord at the head of Her Majesty's Government on what day he proposed to move a Vote of Thanks to the Army in India? His reason more particularly for asking this question was, that he understood last night the noble Lord intended to bring from Her Majesty a recommendation to the House to vote a pension of £1,000 a year to General Havelock. That was a proposition in which he was sure every Member of that House would most cordially concur; but he believed that General Havelock would feel greater gratification if, in regard to this question of rewards for services in India, he was not isolated, but that his name should be brought forward in connection with that of General Wilson and others, whenever the House should be called upon to declare its admiration of their gallant conduct.

VISCOUNT PALMERSTON: I am sure that my hon. and gallant Friend will not suppose that the subject to which he has referred has escaped the attention of Her Majesty's Government, or that there can be the slightest hesitation or doubt on the part of the Government that this House must be most anxious to testify by a Vote of its high admiration of the services which has been performed in India. I will give due notice of the day on which I propose to move the Vote.

BRITISH PRISONERS AT NAPLES—QUESTION.

MR. MONCKTON MILNES said, that before putting to the noble Lord at the

head of the Government the question of which he gave notice on the previous night, he would briefly state the circumstances of the case to which it referred. It would be within the recollection of hon. Members that, in the course of last summer, certain persons took forcible possession of an Italian vessel called the *Cagliari*, and landed on the Neapolitan territory with the intention of making a political descent. The enterprise failed, and the whole of the persons implicated in it were arrested. Amongst them were two English engineers; but the circumstances under which they formed a portion of the ship's company were involved in total darkness. According to some reports they were in irons when the expedition landed; while others affirmed that they were actively employed asisting in the navigation of the vessel. The House was of course aware that diplomatic relations between this country and the King of Naples were at present in abeyance; but although that fact somewhat increased the difficulty of dealing with a case of that kind, he did not think that the House would consider that that circumstance ought in any degree to prevent the lives and liberties of Englishmen from being protected. It was therefore natural that the British Consul at Naples should have applied to see the prisoners, and should have inquired into the circumstances of their arrest, so that if incontestably innocent they might be liberated, or, if there should be any doubt of their innocence, they should receive a fair trial, with the legitimate means of defence. He was informed that those parties had now been detained in prison for about five months, and during that time they were not allowed to communicate either with their friends at home, with the Consul, or with any legal advocate who might be charged with their defence. He took it to be no excuse that these were the Neapolitan forms of procedure, for it was on account of similar forms of procedure that the Government of Naples found itself in its present exceptional position. He therefore wished to ask the Government what measures had been taken, or were to be taken, to assert the rights of humanity and the honour of this country—either by the liberation of our fellow-subjects imprisoned in the Neapolitan territory, or for securing to them what, in the opinion of England and of Europe, might be considered a fair trial, and the legitimate means of defence.

Viscount PALMERSTON: By the strict rules, Sir, of the House, I am precluded from saying another word. The practice which prevails of multiplying questions to Her Majesty's Government on Motions for adjournment is one of great inconvenience, because, according to the rules of the House, it is sometimes impossible to give an answer without violating those rules, and it is unpleasant for members of the Government constantly to throw themselves on the indulgence of the House, and to ask for perpetual Bills of Indemnity. Perhaps, however, as the matter is one of considerable interest, I may presume on the indulgence of the House. Sir, it is quite true, as my hon. Friend has stated, that these two engineers were taken in the vessel called the *Cagliari*, a packet vessel, I believe, proceeding from Genoa to Algiers, which, being diverted from its course by a number of persons embarked in it, who released some prisoners from the Island of Ponza and landed on the coast of the Neapolitan territory, was afterwards seized and all on board made prisoners. Among them were two English engineers. They have been confined now upwards of four, perhaps five months. Her Majesty's Government felt, as my hon. Friend says, that the interruption of diplomatic relations between Great Britain and Naples should not be a bar to prevent the Government of England protecting from improper usage any British subjects who might fall into the hands of the Government of Naples, and that which we considered we had a right to demand was, that our consular officer at Naples should have access to these prisoners, in order to know in what manner they had been treated in prison. This was the more necessary because it was well known, if not to the whole world, at all events to the British Government, that great barbarities have been committed on persons confined in Neapolitan prisons for the purpose of extorting confessions even of things which had never taken place. For a time the Neapolitan Government refused permission, on the ground that the regulations of Neapolitan law prevented any communication with prisoners until certain proceedings had been taken—proceedings somewhat analogous to our proceedings before a grand jury—showing that there were grounds for putting them on their trial. We did not receive this excuse, but we urged on the Neapolitan Government to permit the acting Consul

to see these prisoners. The Neapolitan Government said that their relations might see them. The father of one of the men happened to be living at Genoa, and my noble Friend at the head of the Foreign Office furnished him with a passport and funds to go to Naples, in order to see his son. In the meantime the chaplain of the British mission at Naples, the Rev. Mr. Pugh, who remained after the mission was withdrawn, did obtain leave from the Neapolitan Government, by communicating with the King himself, to see the prisoners, and he had an interview with them. He found them, as he has reported, in good health, not complaining of any ill-treatment, except that, in being conveyed from one prison to another, handcuffs were put on, which they considered an unnecessary indignity. He found them lodged with the captain of the *Cagliari* in an airy room, with a good aspect, and being up one pair of stairs, free from damp, not complaining of their food, and furnished with money by the company in whose service they were at Genoa through the Neapolitan Government. One thing they complained of was the want of books, which this rev. gentleman undertook to furnish, and this gentleman obtained permission to see them again whenever they wished it. Meanwhile, in consequence of the repeated applications which he was desired to make by my noble friend at the head of the Foreign Office, our acting Consul at Naples had obtained permission himself to see them, and at the date of the last letter which has been received from him he was going to Salerno to have the interview. That being the case, I do not feel that there is any great ground of complaint. We have no right to say that these men shall not be tried. They were found with others apparently in violation of Neapolitan law. They have been permitted to have appointed for their defence one of the ablest lawyers at Naples. Their trial will be public. The consular agent will attend at the trial, and therefore, as far as things now stand, I do not feel that we have any complaint to make against the Neapolitan Government.

Motion *agreed to.*

House at rising to adjourn till *Monday* next.

THE ADDRESS.—REPORT.

On the Report of the Address in answer to the Royal Speech, which was brought up by the Mover, Mr. W. Martin, being read by the Clerk of the table,

Mr. PACKE said, he must complain that the only Member of the House of Commons who was furnished with a copy of the Speech from the Throne was Mr. Speaker, and that all others were dependent on the audible manner in which the right hon. Gentleman read out his copy on his return from the other House for knowing what it contained when they were called on to frame an Address in answer to it. He would beg to suggest that on all future occasions copies of the Speech should be placed in the hands of the doorkeeper, at half-past four, from whom each Member might obtain one. Formerly the morning papers were furnished with a copy of the Speech, and Members might read it there; but that practice had of late years been very properly abolished, and now hon. Members had no means of reading the Speech until the next morning. With regard to the Speech itself he wished to ask for an explanation from the noble Lord at the head of the Government of that part of it which related to the amendment of the representation. That particular sentence was not by any means clearly worded. With regard to the laws relating to real property and the Criminal Law it was clear that measures were to be introduced for their amendment, but with regard to the reform of the representation the words of the Speech were:

"Your attention will be called to the laws which regulate the representation of the people in Parliament, with a view to consider what amendments may be safely and beneficially made therein."

And it was not at all certain from that language whether the Government intended to bring in a Bill or not. It was apparent from the answer given last night by the noble Lord to the right hon. Member for Buckinghamshire (Mr. Disraeli) that, at all events no measure would be laid before Parliament this side of Christmas, and if no further explanation were given the people must remain in ignorance until next February whether the Government meant to introduce a Bill at all, or merely to refer the subject to a Select Committee. On the 7th of May last the noble Lord had pledged himself not only to bring in a Bill, but to bring it in at the very beginning of the Session. His words were,

"Her Majesty's Government admit that it will be their duty during the period which will intervene between the conclusion of the present

Session and the beginning of the next to take this subject into their fullest and most serious consideration * * * and I hope—indeed I am confident, that at the beginning of the next Session we shall be able to propose to Parliament some measure which will, we think, be calculated to meet the just expectations of the country." [3 *Hansard,* cxlv. 66.]

If, therefore, the Cabinet, as the noble Lord had promised, had given the subject its full consideration during the four months which had elapsed since last Session, there was no reason why the people should be left in ignorance until February whether any changes were to be made in the system of representation, and, if such a determination had been taken, what the changes were to be. When the noble Lord did bring his Bill forward he must not complain if, after his delay and procrastination, that House refused to be hurried into passing it without the fullest consideration.

Address *agreed to*:—To be presented by Privy Councillors.

BANK ISSUES INDEMNITY BILL.

Act 7 and 8 Vic. c. 32, read; to be *considered* in Committee:—

Queen's Speech *referred.*

Paper relative to Bank Issues [presented 3rd December] *referred.*

Matter *considered* in Committee.

(In the Committee.)

Moved—That the Chairman be directed to move the House, that leave be given to bring in a Bill to indemnify the Governor and Company of the Bank of England in respect of certain issues of their notes, and to confirm such issues, and to authorise further issues for a time to be limited.

THE CHANCELLOR OF THE EXCHEQUER: I rise for the purpose of bringing under the attention of the House the question which, as has been stated in the extract from the gracious Speech from the Throne, has led to the assembling of Parliament before the usual time. In order that the Committee may fully understand the nature of the act of Her Majesty's Government which has induced the Directors of the Bank of England to infringe the provisions of the statute, and thus rendered it obligatory upon me to ask the House to give its consent to a Bill of indemnity, it will be my duty to call their attention to the existing state of the law.

Sir Robert Peel, in the course of his long political career, induced the Legislature to agree to two important Acts relating to the currency, which were in point of time separated from each other by a quarter of a century. The first of these Acts, as is well known to the Committee, was passed in 1819. It restored the currency to its proper metallic basis, put an end to the state of things existing during the war—a state of suspension of specie payments,—and established the convertibility of the bank note. After that Act had been passed the power of the Bank of England to issue notes was unlimited in point of extent. They were only subject to the condition of being payable in gold on demand. The power of establishing country banks in England was also unlimited, subject to the privilege which then existed in favour of the Bank of England with reference to partnerships of more than six partners. These banks when established could create any quantity of bank-notes. The same power existed both in Ireland and Scotland. Any person could under that law establish a bank and issue notes payable to bearer on demand, provided only that those notes were paid in specie upon presentation at the bank which issued them. Such was the state of the law from 1819 to 1844, the date of Sir Robert Peel's second important Act on the currency. That second Act, as he stated to the House, was to be considered as a complement of the first; he intended it to secure, in fact, that convertibility of the note which was made legal only by the Act of 1819. The provisions which he introduced were to the following effect:—In the first place, he enabled the Bank of England to issue notes on securities to the extent of £14,000,000, together with any further sum which might be required from the lapsed circulation of the English country banks, as to which some detailed provisions were introduced into the Act. An Order in Council under those provisions was passed about two years ago, authorising the Bank to add to that portion of its issue which rests upon securities the sum of £475,000. Therefore at present the issue which the Bank of England can make upon securities,—and it is not allowed to make any issues except upon Government securities,—is £14,475,000. In addition, the law allows the Bank of England to make an amount of issue equivalent to the bullion which may be in its coffers. Under the Act then of 1844, which was intended as a complement to the Act of 1819, the issuing powers of the Bank of England are limited as I have described. The Act of 1844 further makes provision upon a subject which, as it seems

to me, is scarcely of the same character as the other clauses, although it is closely connected with its general subject-matter. I mean, that for dividing the Bank of England into two departments, the issue and the banking departments. Gentlemen who are familiar with the mode in which the weekly returns of the assets and liabili ties of the Bank are published, are aware that they are always classed under those two divisions. I shall presently have to call the attention of the Committee to the practical working of this system with reference to the measure to which I am about to ask their assent. I should add that with regard to English country banks the Act of 1844 contained important provisions — it prohibited any bank which might after the passing of that Act be established in England from issuing bank-notes. It limited, also, the note issues of the existing banks to the amount which was then in circulation. It contained no provision requiring them to issue notes on securities, and it did not allow them to exceed the fixed limit by issuing notes against bullion. Therefore, under the Act of 1844, the condition of the English country banks is this:—No new country bank can issue bank-notes at all, and the country banks existing at the time of the passing of that Act are limited in their issue to the circulation which they then possessed. In the following year was passed an Act with respect to Scotland and Ireland, which was intended as a part of the same measure. Its effect was to limit the existing banks of Ireland and Scotland to their then issues, as in the case of the country banks of England. It did not require that those issues should be guarded by securities of any kind, but it authorised them to make issues in excess of their certified circulation against a deposit of bullion. Therefore, in Ireland and Scotland there is a certain amount of paper which is limited under the Act, in addition to which the banks issue a certain portion against sovereigns. The Committee ought to bear in mind the practical result of this compound system upon the circulation as it exists at the present moment. On the 11th of April last the notes of the Bank of England in the hands of the public amounted to £19,752,045. At the same date the note circulation of

The English country banks was	£6,920,000
The Scotch banks was	3,832,000
The Bank of Ireland	3,557,000
And other banks in Ireland ..	3,596,000
Total ...	£17,905,000

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Adding that amount to the circulation of the Bank of England, we may take the paper circulation of the United Kingdom to be in round numbers about £38,000,000. Of that £38,000,000, the only portion which is strictly covered by bullion is that which is issued by the Bank of England in addition to the £14,475,000 which they issue upon securities. The whole of the circulation of the English country banks and the chief part of the circulation of the Bank of Ireland and the Scotch and Irish country banks is, so far as the law is concerned, not represented by bullion. The security which the law takes for that portion of the circulation is the legal convertibility of the note—the liability of the banker to pay in specie when the note is presented. Such is the existing state of the circulation under the different Acts which regulate our currency. Now, it is essential to bear in mind, with reference to the solvency of the Bank of England and the importance of keeping a large bullion reserve in that central establishment, the considerable amount of the provincial issues. When Sir Robert Peel introduced the measure of 1844, he stated that one of the main objects which he had in view was to provide a security against the excessive issue of paper, and thereby to guard against the recurrence from time to time of those commercial panics under which the country had at different intervals suffered previously to 1844. At the same time he stated that he did not propound his measure as a panacea, or as an infallible guard against such panics; because, he said, the issue of bank paper was only one of their causes, and he recognised the fact that commercial panics might arise from causes which did not lie within the scope of his legislation. But in 1847, during the commercial crisis of that year, when it became requisite for the Government to authorise the Bank, if the necessity should arise, to exceed the limits fixed by the Act of 1844, Sir Robert Peel, in the discussion which arose, delivered his opinions more fully on the subject than he had previously done, and he gave a definition, corrected by experience, of his own views as to the objects of the Act of 1844, which, as it contains an authentic exposition of his opinions, I trust the Committee will permit me to read. Sir Robert Peel upon the 3rd of December, 1847, said:—

"I say, then, that the Bill of 1844 had a triple object. Its first object was that in which I admit it has failed, viz., to prevent, by early and gradual, severe and sudden contraction, and the panic and confusion inseparable from it; but the

Bill had two other objects, of at least equal importance;—the one to maintain and guarantee the convertibility of the paper currency into gold, the other to prevent the difficulties which arise at all times from undue speculation being aggravated by the abuse of paper credit in the form of promissory notes. In these two objects my firm belief is that the Bill has completely succeeded. My belief is that you have had a guarantee for the maintenance of the principle of convertibility such as you never had before; my belief also is, that whatever difficulties you are now suffering, from a combination of various causes, those difficulties would have been greatly aggravated if you had not wisely taken the precaution of checking the unlimited issue of the notes of the Bank of England, of joint-stock banks, and private banks." [3 *Hansard*, xcv. 657.]

This was Sir Robert Peel's definition of the Act after he had become aware of the events of 1847. I may also call attention to the remarks that my right hon. Friend near me (Sir Charles Wood), who then held the office which I now hold, made upon the measure then brought before the House, as showing that in his view the Act was never considered as a specific against commercial panics. He said :—

"A complaint has been made that this Act has not preserved us from commercial convulsion. I think that those who expected such an effect from it much miscalculated the motives by which persons engaged in commercial transactions are actuated. Certainly, for one, I never held out any such expectations to the country. I stated most distinctly that I did not contemplate that such would be the effect of the Act. . . . . The same effects precisely might have occurred under a metallic circulation as have occurred under our mixed currency; and the advocates of the Act of 1844 never professed that its operation would produce any other result than that which might have happened under a metallic circulation." [3 *Hansard*, xcv. 410.]

I think that these references will satisfy the Committee that the authors of the Act of 1844 did not contemplate its proving a complete guarantee against the occurrence of commercial crises, which are produced by a variety of causes upon which no legislation, and certainly no legislation confined to the currency, could operate—but they regarded it as a security against panics arising from an over-issue of Bank paper.

I will now, Sir, briefly advert to the crisis of 1847. It was described by my right hon. Friend (Sir Charles Wood), in moving for a Committee on the subject, as having been caused by the absorption of available capital for the purchase of corn and the construction of railways, acting upon a very unsound state of commercial credit. It arose from internal causes—from an internal demand for a large and extraordinary amount of capital—and had no connection, as in the case which we are now considering, with our foreign trade. In 1847, as in the present year, Her Majesty's Government, considering the urgency of the commercial crisis, came to the conclusion to issue a letter to the Directors of the Bank, authorising them in certain contingencies to exceed the limits fixed for their issues by the law. The cause of issuing that letter was stated in it to be the want of confidence which then prevailed among the commercial classes, and its object was also stated to be to restore confidence to the mercantile and manufacturing community. Although the cause of the panic in 1847 was different from that of the panic of this year, yet the object aimed at by the issuing of the Government letter in those two years was identically the same. In that case, from circumstances which I need not now dwell upon, the letter was not issued until an advanced state of the crisis: and the Bank Directors, did not find themselves under the necessity of overstepping the law. Confidence was re-established by the issuing of the letter; its influence upon the commercial classes was immediate, and the Bank Directors were enabled to navigate their ship through their difficulties without exceeding the limits of the law. Nevertheless, Parliament was assembled before the usual time. The attention of Parliament was called to the matter by Her Majesty's Speech, but as no Indemnity Bill was required the direct assent of Parliament to such a measure was not, of course, obtained. A Committee of Inquiry into the Act was appointed upon the motion of my right hon. Friend. That motion gave rise to a debate, though it was unanimously assented to by the House. In this debate Sir Robert Peel, who was the author of the Act, expressed himself, in terms the most unambiguous, in approbation of the sanction which had been given by the Government to the suspension for a time of the limits fixed by the Act. I shall quote some of his words on that occasion; and I think it is of importance that the Committee should bear them in mind, inasmuch as the distinctness with which he spoke proves that he, who was certainly better qualified than any other person either in or out of this House, to speak with authority upon the policy of the Act, was satisfied of the propriety of the step then taken. He said :—

"But when there occurs a state of panic—a state which cannot be foreseen or provided against by law—which cannot be reasoned with—the

Government must assume a power to prevent the consequences which may occur. There is the necessity for a discretion which I think was properly exercised in the present instance. It was better to authorise a violation of the law than to run the risk of the consequences which might have ensued if no intervention on the part of the Government had taken place. . . . . Sir, I think that the Government were justified in issuing that letter. I think that, having issued it, they acted with the strictest regard to constitutional principle in forthwith summoning Parliament." [3 *Hansard*, xcv. 668.]

Such was the judgment, if I may use the expression, which Sir Robert Peel pronounced upon the question. But the matter did not rest merely with the appointment of a Committee, and the approbation by individual Members of Parliament of the step taken by the Government. On the 17th of February, 1848, Mr. Herries, moved two resolutions in a Committee of the Whole House, the first of which confirmed in a most distinct manner, the policy of the step. It was in these terms:—

"That, looking to the state of distress which has for some time prevailed among the commercial classes, and to the general feeling of distrust and alarm by which the embarrassments of trade have been aggravated, it is the opinion of this House that Her Majesty's Ministers were justified, during the recess of Parliament, in recommending to the Bank of England (for the purpose of restoring confidence) a course of proceeding at variance with the restrictions imposed by the Act of the 7th and 8th of Victoria, cap. 32. That this House will resolve itself into a Committee upon the said Act." [3 *Hansard*, xcvi. 803.]

The first Resolution was put and carried without a division; from which it is manifest that the House, upon a consideration of the subject, explicitly approved the act of the Government. But a Select Committee was appointed to inquire into the Act of Parliament, and several most able and competent witnesses gave evidence before them. In their first Report, dated the 8th of June, 1848, they said:—

"The issue of that letter was no doubt an extraordinary exercise of power on the part of the Government, but the House has decided that in the peculiar circumstances of the period they were justified in taking that step."

Therefore the Committee—perhaps, it is a solecism to say so—adopted the resolution of the House; at all events, the Committee, after great consideration and inquiry, referred to the previous Resolution of the House as embodying their own opinion.

Having thus stated what took place in 1847, I will now, Sir, with the permission of the House, call their attention to the events which are immediately under our consideration—the commercial crisis into which we have lately entered, and from which we can scarcely be said yet to have emerged. With regard to this crisis, it may be observed that no symptom of an alarming or even of a threatening character (if we compare the bullion and note reserve of 1856 and 1857) manifested itself until about the 10th of October. From that day a perceptible deterioration began. The bullion in the Bank fell between the 10th of October and the 18th of November from £10,110,000, to £6,484,000; while the reserve of notes fell during that period from about £4,500,000, to about £1,400,000. But before the middle of October, it cannot be said that anything occurred which could create uneasiness in the course of affairs at the Bank. The immediate cause of the crisis was unconnected either with the management of the Bank or with any issues of paper money in this country. It grew out of the derangement of the American trade, supervening upon some previous inconveniences created by the Indian revolt, the disturbance of the Indian trade, and, to a certain extent, speculation upon the Continent. However, the almost exclusive cause of the commercial distress was the derangement of the American trade. For some months previously to November, the foreign drain of bullion was accompanied by an adverse state of the exchanges and a high rate of discount at the Bank. On the 2d of April the rate of interest was at 6½ per cent, on the 18th of June it was six per cent; on the 16th of July 5½ per cent; on the 8th of October it was raised to six per cent; on the 12th of October to seven per cent; on the 19th of October to eight per cent; on the 5th of November to nine per cent; and on the 9th of November to ten per cent. These figures show that high rates of discount had prevailed, the natural consequence of an adverse state of the exchanges. But the operations of the Bank and of the discount houses in this country had been successful in reversing that state of things, and in producing a favourable state of exchanges before the issue of the Government letter. At that time the foreign drain of gold had been checked, and the exchanges were favourable. Although, therefore, some uneasiness might still exist as to the state of the Bank, nothing at that moment seemed to indicate an immediate proba-

bility of the Government being called upon to exercise any extraordinary powers; and as the right hon. Gentleman (Mr. Disraeli) referred yesterday to the state of our trade during the month of October as a circumstance which ought to have induced Her Majesty's Government to hesitate before they advised the prorogation of Parliament until the end of December, I would beg leave to remind him, that even if the state of trade had been more unfavourable than it actually was, there was no symptom of commercial distress which would have rendered it necessary for the Government to resort to any extraordinary act. It was only in the event of their being called upon by an urgent and unforeseen necessity to authorise a suspension of the law that it was likely to be necessary that, upon merely commercial grounds, they should advise Her Majesty immediately to assemble Parliament; and even in the event of that improbable contingency—as we thought it—arising, a constitutional power existed, which could be exercised at any moment, of summoning Parliament by proclamation to meet in fourteen days. This is an explanation in reference to the charge of want of caution and foresight on the part of the Government brought forward by the right hon. Gentleman. Well, Sir, the first event which precipitated matters in the late commercial crisis was the failure of the Borough Bank of Liverpool. I wish to call the attention of the Committee to the fact that this Bank was not a bank of issue. The amount of its liabilities was, however, very considerable—viz., about £5,000,000. As far, therefore, as this establishment was concerned the consequences produced by its failure cannot in any way be traced to an excess in the issue of bank paper. That failure took place about the 27th of October, and the next event of importance was the failure of Messrs. Dennistoun on the 7th of November. This house was extensively engaged in the American trade. I believe that it was a house conducted with prudence, and possessed of large capital, but it was suddenly forced to suspend payments by the misfortunes arising out of the convulsion that had taken place in America, which was attended with much greater distress than had occurred in this country and was accompanied by a general suspension of cash payments. The house of Messrs. Dennistoun failed for upwards of £2,000,000. Two days afterwards, on the 9th of November, a large joint-stock bank in Scotland failed—the Western Bank—which had numerous branches. Within a day or two another large joint-stock bank—the City of Glasgow Bank—also failed. The joint circulation of these banks was about £800,000, of which about one-half was the certified circulation they were authorised to make upon securities, and the remaining half upon bullion. Their deposits were about £9,000,000; showing that it was not their note circulation, but the magnitude of their other transactions and liabilities which led to their failure. I may mention with regard to the Western Bank of Scotland that there had been no run upon it previous to its failure, and that when its doors were closed not a single note had been presented for payment out of the usual course: thus showing that it was not the discredit of the notes of the bank, but a failure to meet its large engagements of other descriptions which led to its fall. The first sign of pressure more immediately affecting the mercantile classes in London, and approaching nearer to the Bank of England, was the failure of the house of Messrs. Sanderson and Co., bill-brokers, which took place on the 10th of November. Its liabilities, I understand, upon deposits were £3,000,000, besides other liabilities. Such an event could not occur without exercising a serious influence upon the credit of other similar establishments in this city. The publication of the Bank Returns for the week ending Wednesday the 4th of November, which showed a reduction of the Bank reserve to £2,155,000, was a circumstance which, combined with the other facts I have mentioned, could not but create uneasiness and alarm, and call attention to the diminishing resources of the Bank. The alarm increased in London, and I cannot adduce a clearer or more compendious proof of the existence and extent of that alarm than by referring to the increase of the bankers' deposits at the Bank of England in the week from the 4th to the 12th of November. It may at first sight seem somewhat paradoxical to the Committee to refer to the increase of bankers' deposits in the Bank of England as a proof of alarm; but it must be borne in mind that the Bank of England is the Bank in which the London and other bankers keep their deposits, and therefore when they increase those deposits suddenly and extensively it is a proof that they are guarding them-

selves against a run upon their funds, and that they expect demands from their customers. The increase of bankers' deposits at the Bank of England is, therefore, a recognised test of the existence of alarm; and as such it is to be noted that in the week from November 4 to November 12 these deposits increased by no less than £1,970,000. But there was another decisive proof of the existence of alarm in this city—namely, the general cessation of all discounting except by the Bank of England. At that time it was scarcely possible to obtain an advance, even upon bills which were undoubtedly good, from bill brokers; their operations were for the moment universally suspended, and the Bank of England was the only establishment in London at which discounts could be obtained. That circumstance may be referred to as a tolerably conclusive proof of the general prevalence of alarm. I may mention that at that time a single discounting house paid in one day £800,000—£700,000 to depositors, and £100,000 to discounters—a sum, I apprehend, almost unparalleled in operations of that kind.

I will now call the attention of the Committee to the state of the Bank on the day before the recent Government letter was issued, and to its state on the day previous to the issue of a similar letter in 1847; and the Committee will see that with regard to every point indicative of the strength of its resources the position of the Bank in 1857 was less favourable than its position in 1847. The inference to which I wish to lead the Committee is that, if the Government were justified by the opinion of Parliament, of the public, and of competent judges, in issuing the letter in 1847, then *à fortiori* they were justified this year in issuing a similar letter. The following is a statement of the position of the Bank of England in October, 1847, and November, 1857:—

	October 23, 1847.	Nov. 11, 1857.
	£	£
Bullion	8,313,000	7,171,000
Reserve of Notes in Banking Department	1,547,000	957,000
Reserve of Coin	447,000	504,000
Deposits (Private)	8,580,000	12,935,000
Private Securities	19,467,000	26,113,000

Therefore the Committee will perceive that whatever were the grounds for the interference of the Government in 1847, the grounds were still stronger in the present year. There is another most material point of difference between the two cases, which perhaps even still more justifies the interference of the Government in the present year. In 1847 the turning point had been reached before the issue of the letter—the state of things had begun to improve. It is true that the issue of the letter, in the opinion of competent judges, accelerated that process; but the improvement had already manifested itself, and the worst had been seen before it was issued. Now, in the present year the direct contrary was the fact. We had not reached the worst when the letter was issued; and, whatever opinion may be formed as to the beneficial effects of the letter, there is no doubt that if it had not been issued, if this authority had not been given, we should have seen a worse state of things after the 12th of November than before it. Now, the fact which seems to me material as constituting the difference between the two years is the progress of the London discounts at the Bank in 1847 and 1857. On the 23d of October, 1847, the London discounts of the Bank were £7,762,000. The amount remained stationary till about the 4th of November, when it fell to £7,500,000; and a few days later it sank even lower. Therefore in a given number of days the discounts had fallen; but a different result will be found to have taken place in the present year. On the 9th of November these discounts amounted to £7,256,000. They went on regularly increasing, till on the 27th of November they reached £12,022,000 and on the 1st of December they still stood at £11,961,000. This shows that the sum under discount at the Bank of England was greater at the end of that period than at its commencement, whereas in the corresponding period of 1847 that amount had considerably diminished. From these facts I infer that, whereas the worst of the crisis had been overcome before the letter of 1847 was issued, the evil had not reached its culminating point when the letter of this year was addressed to the Bank.

I trust, Sir, that I have established to the satisfaction of the Committee that the course taken by the Government in 1847 was maturely considered and deliberately approved by Parliament, that the authors and promoters of the measure sanctioned this proceeding, and that thus it constituted a precedent by which

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subsequent Governments could with propriety regulate their conduct. In the present case the causes of the panic were, no doubt, different, but the result was the same; the circumstances with which the Government had to deal were similar, the urgency was greater, and whatever reason justified the resort to extraordinary measures in the year 1847 will be found to apply with greater cogency and greater conclusiveness to the case of the present year. But the existence of a precedent has not grown out of mere accident from the occurrence of circumstances which had not been foreseen when the original measure was prepared. I have the evidence of Mr. Cotton, the Governor of the Bank at the time when the Bill of 1844 was under consideration, and that gentleman stated to the Committees of both Houses of Parliament that the precise contingency which occurred in 1847 as also in the present year, was foreseen by Sir Robert Peel, who appears to have contemplated a mode of meeting it exactly identical with that which has been adopted in both years. This seems to me an important part of the case; and I will therefore read an extract on this point from Mr. Cotton's evidence before the Committee of this House which sat in 1848. Similar evidence was given by him before the Committee of the House of Lords. Mr. Cotton was thus examined:—

"In the case of a panic do you think that a contraction of the circulation is any cure for it?—I think it is, inasmuch as it increases the value of money and induces people who have hoarded money to part with it.

"Do you think, even in the case of an internal panic, the proper mode of cure is a contraction of the circulation?—The proper mode of cure is the contraction of the circulation; whether it is worth while to submit to the remedy is another question. I can easily conceive that there may be monetary crises when it is necessary for the Government to interfere, and to do as was done in October.

"You contemplate, as I understand you, that under the operation of the Act circumstances may arise which will call for the interference of Government?—I did contemplate it, and I believe that I shall not be guilty of a breach of confidence if I state that the subject was discussed very fully with the First Lord of the Treasury and the Chancellor of the Exchequer during the consideration of the provisions of the Bill, and when the subject was again pressed on him Sir Robert Peel expressed his opinion to me in these terms:—'My confidence is unshaken, that we are taking all the precautions which legislation can prudently take against the recurrence of a monetary crisis. It may occur in spite of our precautions, and if it does, and if it be necessary to assume a grave responsibility for the purpose of meeting it, I dare say men will be found willing to assume such a responsibility.'

"It was contemplated that circumstances might occur which would render it necessary to suspend the limit of the Act of 1844. Can you state what were the sorts of events that you had then in contemplation?—I should say events similar in effect to the events of 1825, when there was entire discredit of all the country bank circulation, and a panic which brought down, not merely an immense number of bankers, but others who were men of undoubted property."

I think that passage ought to convince this Committee that, in referring to the proceedings of 1847 as constituting a Parliamentary precedent of the utmost authority, we have every security that the subject was fully considered both in its character and its consequences, and that legislation was left in its present state upon mature deliberation.

The right hon. Gentleman (Mr. Disraeli) put a question last night which he had a perfect right to ask, and to which he is entitled to have an answer. It was:—"Whether the issue of this letter was called for by the Bank Directors, and whether pressure was applied to the Government in order to obtain it?" Now, Sir, I state distinctly that the issue of that letter was the spontaneous act of Her Majesty's Government; that they proceeded upon their own deliberate view of the circumstances of the case; that they were not urged by deputations, or by the representations of mercantile bodies, nor were they implored to interfere by the Directors of the Bank of England. No men invested with a public and official responsibility could have acted in a more honourable and conscientious manner than the Directors of the Bank of England. They showed themselves throughout ready to carry into effect all the obligations which the law cast upon them, and they merely said that they were willing to act upon any advice which the Government might tender to them, but that they were prepared to obey the provisions of the law. Sir, the Government were guided by their view of the facts which I have disclosed to the Committee—facts the corresponding circumstances to which were deliberately reviewed by the Parliament of 1847, and were considered by them as constituting a legitimate ground of interference. These facts existed in a far more intense degree in November, 1857, than in October, 1847. Our justification therefore is, that we acted in consequence, not of the pressure

of the mercantile body, but in consequence of the pressure of facts, and that we should have been guilty of a grave dereliction of duty, if in so urgent a state of circumstances we had hesitated to take upon ourselves the responsibility which was assumed by the Government. I do not at all seek to screen myself under the existence of mercantile pressure. If the act which we have done is right, let the House indemnify the Bank Directors, let them indemnify those who advised them. If it is wrong, let them refuse that indemnity. We do not desire to shelter ourselves under any pretence of having been coerced into the act.

The Committee is in possession of a numerical return from the Bank fully exhibiting the state of things on each day from the 11th of November, and it is unnecessary that I should trouble them with a minute analysis of these figures. I will only say that, unlike what occurred in the year 1847, the Bank Directors immediately found themselves compelled to act upon the authority given by the Government, and to make issues in excess of the limit fixed by the Act of Parliament. They first issued £1,000,000 of notes from the issue to the Banking Department, placing against that sum an equal amount of securities; and on a subsequent day they made a similar transfer. The first issue took place on the 12th of November, and the second on the subsequent day. The effect of that proceeding, technically, is that the Bank of England has infringed the provisions of the Act to the extent of £2,000,000 sterling; but the Committee should bear in mind that, although owing to the peculiar manner in which the accounts of the Bank are kept the law is technically infringed to that amount, at no time has the Bank issued so much as £2,000,000 to the public. It has merely passed £2,000,000 from one department of the establishment to another. I have before me a statement of the amount in excess which was from day to day issued to the public. On the 13th of November, for instance, the excess of notes in the hands of the public was £186,000, on the following day £622,000, and so on until the 20th of November it reached the maximum of £928,000. If the Committee will deduct the amount of the reserve of notes in the Banking Department from the £2,000,000 transferred from the issue department they will see that the difference is the figures which I have given. That is the real amount which has reached the public. On the 21st of November that amount was £617,000; on the 23rd £397,000; on the 24th £317,000; on the 25th it had fallen to £81,000 in excess of the law; on the three following days there was an increase, but on the 30th of November it had fallen to £15,000; and on the 1st of December the note reserve was more than £2,000,000; therefore strictly speaking, there was then no issue in excess of the limit. I need not, however, remind the Committee that the operations of the Bank being now divided into two departments it was impossible to work the banking department without an issue of notes from the issue department, and that this transfer was technically a violation of the law; but the Committee should bear in mind that the real and essential violation of the Act has been confined to the amounts which I have just read.

It may be asked what would have been the result if the letter of the Government had not been issued. That is a matter about which we can only form conjectures. The actual result of issuing that letter must, I think, be admitted to have been favourable. It diminished alarm and restored confidence; and it did not in the smallest degree endanger the convertibility of the note, because a favourable turn of the exchanges had taken place, and there was at the time no fear of a foreign drain of gold. Therefore I cannot think that at that moment the convertibility of the note was endangered by the step which was authorised by the Government. If that authority had not been given, it is certain that the only measure to which the Bank could have resorted for its own protection would have been the immediate and total cessation of discounts. Indeed, could they have forseen the impossibility of the Government taking such a step, they might, perhaps, have diminished their discounts a day earlier. At all events, they must at the time the letter was issued have entirely stopped their discounts. Whether so decided a step as that on the part of the Bank of England might not have led to the extension of discredit among establishments of a similar nature engaged in similar operations of banking, I leave it to the Committee to determine. It is not for me to give any positive opinions upon such a subject, but if such discredit had arisen the Committee must see that it would have affected the bank,

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ing department of the Bank of England by leading to the withdrawal of deposits. Now, as by law the two departments of that Bank are segregated the one from the other, and the assets of the issue cannot be applied to the relief of the banking department, the Bank of England might have found itself in the painful position of postponing payment to depositors, or of applying a portion of the assets of the issue department—because its assets would undoubtedly have been sufficient—to the discharge of the liabilities of the banking department. I think it probable that such a contingency might not have arisen; nevertheless, it was within the range of possibility. Events, as I have learned from painful experience—events march very rapidly during a commercial crisis. Persons who are loaded with the responsibility of action in moments of that sort must be prepared for adverse circumstances, and I leave it to the Committee to judge whether, with such a contingency before them, Her Majesty's Government would have been justified in withholding the letter which they sent to the Bank. I am fully conscious of the gravity of the step which the Government took. The deliberate infraction of a fundamental law governing the currency is, as this Committee will readily believe, a step which no persons responsible for their acts would lightly take. I do not in the smallest degree seek to extenuate the importance of the proceeding resorted to by Her Majesty's Ministers; at the same time, let it be remembered that the actual transgression hitherto committed by the Bank has been limited to the amount which I have stated, and that the effect of the authority which was given was simply to enlarge the amount of the issues upon securities. Now, if the entire circulation of this country had been metallic, I could have understood any objection which might have been entertained to an authority being given to a corporation like the Bank of England to issue £2,000,000 of bank-notes; but inasmuch as they were authorised by the Act of 1844 to issue £14,000,000 upon securities, and as that Act contained a provision for further increasing that amount, in accordance with which it has by an Order in Council been increased to £14,475,000, the only effect of the authority given by the Government was, in a guarded manner, under the close observation of the Government and of Parliament, and for the sake of meeting a momentary emergency, to increase the issues of that description. No new principle was introduced by that authority.

It has been said that the Government have authorised the Bank to commit an act equivalent to a depreciation of the currency, that what we have done amounted almost to permitting a repudiation of contracts, and that the sanctity of property was invaded by this additional issue of bank notes. I entirely dispute the correctness of that view. The additional notes issued by the Bank under our authority were, like their other notes, payable on demand. If any doubt had arisen as to their instantaneous convertibility, there would have been some ground for the charge which has been made against the Government. All we said to the Bank was, that whereas the original limit of notes based on securities was £14,000,000, increased by an Order in Council to £14,475,000, they might for a limited time, and for a limited object, increase their issues of that class. But, inasmuch as the additional issue by the Bank was not sufficient to affect the value of the notes, and each note was convertible into gold upon demand, it cannot be said with justice that the Government have depreciated the currency, authorised the repudiation of contracts, or struck at the security and sanctity of property. I wish I had it in my power to say that this commercial crisis is definitively terminated, and that we can look forward with entire confidence to the Bank having no further occasion to avail itself of the authority which we have given to it. I think it highly probable that the Directors may not further exceed the statutory limit; but, at the same time, I cannot assure the House that no such contingency can be expected to occur. Perhaps, in some respects, it would have been more convenient to Parliament if it could have looked back upon a completed commercial crisis, and been enabled to judge of its extent and effects before it was called upon to indemnify the Bank Directors. The Government thought, however, that it was their duty, having authorised an infraction of the law, at once to lay the matter before Parliament, and hence the celerity with which the Legislature has been assembled. But the pressure still continuing, the wounds caused by the crisis being yet unhealed, and the whole crisis being yet undeveloped, it will be necessary for me to propose in the Bill a prospective

power to the Bank to exceed the limits of the Act for a period of 28 days after the meeting of Parliament which will occur immediately subsequent to the recess. I have taken this as a convenient period, inasmuch as it admits of their making provision, should such provision be necessary, for any emergency that may arise; and I trust that if the House should be willing to pass the Indemnity Bill it will not refuse to allow me to insert a clause to the effect I have stated. I shall also ask the House in the course of the evening to agree to the reappointment of the Committee on the Bank Acts which sat last session. That Committee examined many important witnesses, but its inquiries were not completed, and at the end of the session it presented the following Report to the House:—

"Your Committee have agreed to report to the House the evidence which they have received; and, as their investigation of the subject referred to them is still incomplete, they beg leave to recommend that a Select Committee be appointed to resume the inquiry in the ensuing session of Parliament."

We should, as a matter of course, have acted upon that recommendation and have moved the reappointment of the Committee, if nothing extraordinary had happened; and can it be said that what has occurred during the last month has weakened the reasons for that course? It seems to me, on the contrary, that the commercial crisis and the act of the Government have strengthened rather than weakened the reasons for the reappointment of the Committee. It must be obvious that if the House is desirous of reconsidering any of the details of the Act of 1844, it cannot do so with greater advantage than after a full inquiry before a Select Committee, and after the examination of competent witnesses upon all the different branches of the subject. The general portion of the subject, as regards the Bank of England was fully investigated last Session, but so much of it as relates to the country banks of England, and the banks of Scotland and Ireland was not entered upon, and it must be obvious, after the events of the last few months, that there is a great deal in connection both with the country banks of England, and the banks of Scotland and Ireland which well deserves careful investigation. Moreover, I confess I doubt whether it would be prudent, when men are smarting under the painful embarrassments of a commercial crisis, when that crisis is still incomplete, when its consequences have not yet been fully developed, to select this particular moment for revising our currency laws. Whether the proposal for legislation was made by the Government or by independent Members, I cannot think that we should deliberate upon a most difficult subject, a subject which has perplexed the minds of some of the ablest men whom this country has produced, under circumstances likely to lead to a safe and beneficial conclusion. Therefore, as I should have moved the reappointment of the Committee of last year under ordinary circumstances, it seems to me that the extraordinary circumstances under which we are now assembled render such a step still more advisable.

By what I have said the House, I think, must be led to the inference that the commercial crisis has not arisen from any abuses of the currency—from any excessive issues of bank paper in this country. Whatever its causes may be, they stand wholly aloof from the proper and direct policy of the Act of 1844. Let us first take the Bank of England, the most important of all the banking establishments. Can it be said with truth that the Directors of the Bank of England have shown any want of foresight, any want of prudence, any want of sagacity, or any want of firmness during the past year? I confess it appears to me, having had occasion to watch their proceedings with vigilance, that they have not failed in any of the duties that properly attach to them. Let us compare, as a test of excessive issues on their part, their notes in the hands of the public with their private securities during the years 1856-7. The following is a statement of their notes with the public, including Bank post-bills, at various periods of 1856:—

Oct. 4 .	£21,884,000	Oct. 25 .	£21,412,000
„ 11 .	21,501,000	Nov. 1 .	21,483,000
„ 18 .	22,140,000	„ 8 .	21,149,000

For the present year, when as we are told commercial discredit has been caused by excessive issues of Bank paper, the returns are as follow:—

Oct. 3 .	£20,824,000	Oct. 31 .	£21,184,000
„ 10 .	20,862,000	Nov. 4 .	21.079,000
„ 17 .	21,052,000	„ 11 .	21,036,000
„ 24 .	20,585,000		

So that, in point of fact, the amount of notes in the hands of the public has been actually less this year than in 1856. Let us now compare with the issues of notes and Bank post-bills the private securities

of the Bank at corresponding periods of 1856-7. The following is a return of the private securities at the latter end of each of these years :—

1856.		1857.	
Oct. 4 .	£21,582,000	Oct. 3 .	£21,835,000
Nov. 8 .	18,626,000	Nov. 11 .	26,113,000

It appears, therefore, that although the private securities increased immediately before the late crisis, no corresponding increase took place in the active circulation. With respect to the country banks, can it be said that any portion of this discredit is traceable to their over issue? Take the banks that have failed. In the first place, there is the Borough Bank of Liverpool. It is not even a bank of issue. Then the large joint-stock bank which has lately unfortunately fallen—the Northumberland and Durham District Bank; that, though a bank of very extensive operations, and though it has failed for a large sum of money, was likewise not a bank of issue; and, therefore, whatever its imprudences or misfortunes, they were in no way connected with an abuse of the power of issuing paper. With respect to the Scotch banks which have failed, both of those undoubtedly were banks of issue; but their notes bore a very small proportion to their entire liabilities, and about half were covered by gold; and no person aware of the facts, or who will make himself acquainted with them, can fail to come to the conclusion, that the failure of these banks is wholly independent of all questions relating to paper currency. Therefore, as far as the direct operation of the Act of 1844 is concerned, as far as its object was to prevent the excessive issue of paper either by the Bank of England or by the country banks of England, or by the banks of Scotland and Ireland, it must be admitted that the policy of that Act, and of the Act of 1845, was successful. Those who impugn the policy of those Acts must say that they were inoperative, or that in spite of them the currency was in a sound state; and those who are friendly to the policy of those Acts will attribute the healthy state of the currency to their direct operation. But whatever these parties may think, the main fact cannot be disputed, that our paper currency was and has remained up to the present moment in a perfectly sound state. It is quite conceivable, as my right hon. Friend (Sir Charles Wood) remarked in 1847, that a commercial panic might arise if the circulation were purely metallic. There might be undue credit and unsound speculation, and these causes might produce the same effects as are observable at the present moment in the town of Hamburg, where there is no paper circulation, where the only circulation is metallic, and where there exist all the acute symptoms of a commercial crisis. It is clear then that a commercial crisis may arise from causes entirely independent of an unsound paper currency.

Now, with respect to the operation of the Act of 1844, I am desirous of drawing the attention of the Committee to the distinction between the ordinary operation of the Act in those circumstances which were contemplated by its authors, and its operation at a moment of panic or crisis. If we take its operation under ordinary circumstances, the limit imposed on the Bank of England, and on the country banks, and on Irish and Scotch banks, operates in the way of prevention. It does not check the ordinary habitual transactions of commerce, but it is like a punishment in the criminal law which by its preventive consequences determines men's conduct, but is not actually inflicted. But when we come to a state of panic all these circumstances are reversed. Men's minds are then in a state of excitement and alarm. Mutual distrust prevails through the community, and a law which may be perfectly suited to the ordinary conditions of trade, which may operate beneficially when men are left under the influence of ordinary motives, may at a time of panic be found to produce effects the reverse of beneficial. The question then arises whether some extraordinary power is not required to suspend the operation of such a law when such circumstances arise. The present law does two things. It imposes a limit on the issue of the Bank of England, and it exhibits the accounts of the Bank of England in a peculiar form; it likewise requires that those accounts should be published once a week. Now, wherever you impose a limit, there is no question that the existence of that limit, provided it makes itself felt at a moment of crisis, must increase the alarm. People feel at the moment that a limit presses on them, they begin to calculate how much remains of that fund to which they look for assistance in times of commercial difficulty; and in whatever way you fix the limit, whether by Act of Parliament as at present, or, as Mr. Tooke proposed, by a sort of usage,

or, as in France, by the discretion of the Government acting on the Bank of France, there is no doubt that in a moment of crisis the existence of the limit must aggravate the alarm. I can bear witness, from my own observation, that such has been its operation in 1857. There is no doubt, in my opinion, that when a crisis once sets in, when you have an extraordinary state of distrust quite different from the state in which men ordinarily live (because it is by mutual trust and confidence that commerce is carried on), when you get into a state of apprehension, and every man suspects his neighbour, then any limit which is imposed on the paper circulation must increase the alarm. In that way I distinguish between the ordinary and the extraordinary operation of this Act. Well, then, the manner in which the assets of the Bank are distributed, by which the whole bullion is set against the paper issue of the Bank, and by which only a small reserve of notes is placed in the banking department in a very conspicuous manner against its deposits, concentrates the attention of the commercial public upon the amount of notes in reserve. They watch its diminution from day to day, and when it has reached a certain point each person desires to get a share of it as long as it lasts. These circumstances appear to me to show that in its extraordinary operation this Act may tend to aggravate panic, though in ordinary times it tends to promote a sound state of circulation, and, so far as the state of the currency is concerned, to avert panics; but when a panic arises from other causes, at that particular crisis, though the panic may only last a few days, its certain tendency is to aggravate the alarm. It appears to me that at moments of that sort we can only resort to the discretion of the Government for the time being; though I shall be happy to hear if any gentleman has any other remedy to offer for those rare, I am happy to say, but, nevertheless, recurring occasions. Now, this is a question on which the Government have carefully deliberated, and on which after deliberation they have not thought it their duty to make any legislative proposition to the House. The subject is one which will be considered by the Committee to be appointed, I hope, by this House. The question is, whether it is preferable to leave the power of dealing with these emergencies vested in the executive Government for the time being, to be exercised by them on their responsibility to Parliament, subject to the duty of assembling Parliament at an early period after the exercise of the power, of submitting to it the whole facts of the case, and asking for an indemnity,—the question, I repeat, is whether we should, in conformity with the opinion of the Commons Committee of 1847, leave the matter in that state which undoubtedly involves an infraction of the law, though the wound which may be done to the constitution is healed by constitutional and Parliamentary means, or whether we should adopt the conclusion of the Committee of the House of Lords in the same year, who thought it irregular and unconstitutional to grant such a power to the executive Government, and that Parliament ought to engraft into the Act itself a power of suspension. That is a question which we leave to the Committee about to be appointed to determine. The Bill, the introduction of which I hope the House will sanction, to be introduced at a time when the events which have called for it are still recent, while the crisis in its consequences is not fully developed, will not contain any distinct provision upon that subject. We have thought we were adopting a more respectful course by not submitting such a proposition to the House. It appears to me indeed, that the question is one interesting in a constitutional point of view rather than as involving any great difference in its practical results. After the proceedings which took place in 1847, and the adoption (if it should be adopted) of the Bill now proposed, it is likely that the Government hereafter acting under the influence of two such precedents might find their course facilitated and guided. On the other hand, if a clause were inserted in the present Bill authorising the Government in cases of emergency and in times of panic to relax the limit, but containing a clause similar to that contained in the Act which enables Government to embody the Militia, which provides that they shall call Parliament together within fourteen days—I think the practical result of such a state of things would be the same as those of the other system, because a Government would be apt to look upon the distinction as a merely formal one, and would feel the same reluctance to act upon the power afforded them, except in cases of extreme emergency. While, therefore, I regard the question as more important on consti-

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tutional grounds than from any difference in the practical result of the two systems, there are other reasons why I think that a clause conferring such a power upon the Government ought not to be introduced into the present Bill. Two Select Committees have sat to inquire into the subject, one a Committee of this House, and the other a Committee of the House of Lords, and after fully hearing and considering evidence on the subject, those Committees arrived at diametrically opposite conclusions. It is a subject therefore with regard to which we may anticipate a great difference of opinion, and the Government would be glad to hear the views entertained by leading Members of this and of the other House of Parliament before they can consider it their duty to submit any measure respecting it to the House.

Sir, there are questions relating to the operation of the law in Ireland and Scotland which are worthy of notice, and it may become the House to consider whether some amendments in the existing law may not be made with advantage; to consider, for example, whether there could be any objection to providing that the Bank of England note should be a legal tender over the whole of the United Kingdom. Also, it might become us to consider whether, in order to prevent the inconvenience arising from drains of gold from this country—such as has lately taken place—it might not be advisable to allow the Irish and Scotch banks to issue notes against Bank of England notes instead of against bullion only. There is another subject to which I adverted last year in moving the appointment of the Committee to inquire into the operations of the Act of 1844 which has been the subject of much popular discussion at the present period,—I mean the policy of permanently enlarging for the future the limit of the issues of the Bank of England. It may be said that this crisis merely involved an extraordinary issue of £2,000,000, and if the limit of issue had been increased by this amount, no extraordinary interference would have been requisite. But the question is, whether if the Bank of England had been authorised by law in the beginning of November to issue £16,500,000 instead of £14,500,000—and to give them such a power does not involve any difference of principle from the Act of 1844, for it was quite within the views of the promoters of that Act—the crisis might have been got over without any extraordinary step being taken by the Government. If the bullion reserve of the Bank of England had been what it was at the commencement of the crisis, and if the Bank of England had been empowered by law to issue £16,500,000 instead of £14,500,000, undoubtedly no extraordinary interference might have been necessary. But if the Bank of England had not kept the same bullion in reserve which the law now requires, if it had merely issued £2.000,000 more upon securities and diminished the reserve of bullion by £2,000,000, which under such a state of the law, it would be enabled to do, the effect would have been that while the notes in the hands of the public were at the same amount, it would have had £2,000,000 less of bullion:—and practically the Bank of England would have had no greater power of issue than it has now had, and the reserve of notes in the banking department would have been the same. This consideration must tend to convince gentlemen who hold that view that the resource of increasing the credit issues of the Bank from £14,500,000 to £16,500,000, might not be quite so effectual a remedy in times of panic as they imagined.

I regret, Sir, that I have been compelled to trouble the House at such length upon this subject, but inasmuch as this question was the occasion which induced the Government to recommend Her Majesty to call Parliament together at this early period, inasmuch as it has occupied a great amount of public attention, inasmuch as it has grown out of important causes and must lead to important results, inasmuch as the step which has been taken by the Government was an extraordinary and extra-legal step—and we consequently stand before Parliament, I will not say in the position of culprits, but in the position of having advised the Corporation of the Bank of England to make a departure from the existing law—inasmuch also as we now call upon Parliament to indemnify the Bank of England and ourselves, I trust that I may be forgiven if I have felt it my duty to make to the House a full statement of the reasons that have induced us so to act. The right hon. Gentleman concluded by placing in the hands of the Chairman the following Resolution.

"That the Chairman be directed to move the House, That leave be given to bring in a Bill to indemnify the Governor and Company of the Bank of England in respect of certain Issues of

their notes, and to confirm such Issues, and to authorise further Issues for a time to be limited."

MR. GLADSTONE: As far, Sir, as I am concerned, I think that my right hon. Friend, instead of having to ask the indulgence of this House upon account of the length at which he has thought it his duty to explain the views of the Government upon this important subject, has, upon the contrary, conferred upon us an obligation. On the other hand, I am by no means sure that the same duty is incumbent upon me, or that it likewise attaches to other Members of this House. At all events, for my own part, I do not think that this is an opportunity upon which I should feel it necessary to trespass upon the attention of the Committee at any length; but, at the same time, I wish to make a few remarks upon what has fallen from my right hon. Friend in respect to the subject now before the Committee, and likewise with regard to the ulterior Motion which he intends to make with regard to the reappointment of the Bank Charter Committee. As regards the Bill of Indemnity, for which my right hon. Friend asks, I, for one, am not prepared to offer any opposition to it. I can easily conceive that a question may arise—and the speech of my right hon. Friend appears to me to indicate a similar consciousness on his part—as to whether the moment chosen by the Government for interference was opportune, whether the letter of the 12th of November was written at the right time; or even there may be some question as to whether any other measure might have been adopted in lieu of that measure with the view of averting the difficulties and dangers which threatened the country. However that may be, I think that my right hon. Friend has been perfectly justified in arguing from the transactions which took place in 1847, for, *mutatis mutandis*, according to the variation of circumstances, a similar course has been adopted in 1857. It is the duty of this House to consider, when Her Majesty's Ministers are presenting a justification for this proceeding, what vast force — I almost venture to say what immeasurable force—attaches to a precedent of this kind. My right hon. Friend, in speaking of occasions of this kind, has justly called them recurring occasions. Unhappily they cannot, as the present controversy proves, be spoken of in the past tense—we must still look forward to the recurrence of these occasions; but if there has been an unsound system of trading,—I don't enter now into the question as to what particular description of trading, I don't ask now whether it is not the trade in money that has been dangerous and unsound,—but if there has been a state of unsound trading in the country, and especially if it has had reference to money, we must consider the enormous force of the precedent set in 1847, which we are repeating now, and the duplication we are thus giving to that precedent. I say we must consider the consequences of that precedent, not in order to cast blame on what has been done, but to ascertain what further duties may devolve upon us in reference to the state of the law as it now exists. I, for one, am not here to impugn the letter of the Government; but with respect to the reappointment of the Bank Charter Committee I wish to represent to hon. Members how that matter appears to stand. My right hon. Friend thinks it is better to reappoint the Committee than to legislate, and his reasons for that course, as I understand them, are these two; first, that you have got a Committee with an incomplete inquiry, which has recommended that it should be re-appointed; and, secondly, that at a time when men's minds are warm and smarting under the commercial crisis we could not expect the fruits of wholesome legislation. With regard to the first of these arguments I confess I think it ought to have very little weight with the Committee. There are constantly precedents occurring, — not mere precedents and naked authorities, but founded on the reason of the cases,—where, in periods of quiet, when you have had plenty of time at your disposal, you have appointed Committees of this House to investigate the most important subjects; but when urgent circumstances have intervened, which have taught far more in weeks than your Committees will ascertain in a year, you have interposed to check the interminable proceedings of those Committees by the decisive action of the Government. Now, I venture to tell my right hon. Friend and the Committee, that this Committee, if it be re-appointed in the terms and in the manner he proposes to reappoint it, will be an overburdened Committee, and that the probable effect of that reappointment will be—and let us realize that to ourselves—to prevent the practical resumption of the consideration of this question by the House until, at the

very least, the year 1859, and more probably until 1860. Now, if that is the obvious or probable effect of my right hon. Friend's proposition, it is not, I apprehend, a satisfactory one. Let us consider what it is which he calls on us—I don't say improperly, calls on us—to do. We are not met here, as we were in 1847, to consider the violation of the law—or rather its contingent than its actual violation; we are not met here even to give an indemnity for a past violation of the law; but for a purpose no less than this—namely, by a vote of this House prospectively to suspend the Bank Act. Is it or can it be satisfactory? I must confess it is not according to my own view of the manner in which the Government and Parliament ought to deal with this question. Will it tend to settle the public mind if, after the experience of 1847, after the repeated inquiries of Committees, after the recurrence of a far graver crisis in 1857, we are ready to do no more than suspend the Bank Act and reappoint a Committee of inquiry? I think the speech of my right hon. Friend was lacking in the recollection of a distinction of the utmost importance, and that was the practical distinction between the question of banking and the question of the law as it regulates issues. Now, the Committee which sat during the last Session was appointed, not merely to consider the state of banking, but also to consider the laws which regulate issues. They had two subjects referred to them, both of them of an immensely comprehensive character, namely, the laws of issue—the issue by the Bank of England, the issue by the country banks, and the issue by the Scotch and Irish banks. Of that subject, after a laborious Session, the Committee has positively only exhausted the first department—that is to say, the question of issue as regards the Bank of England. It has still to consider the question of the issue by the country banks and by the Scotch and Irish banks; and then this enormous postscript remains,—it was to be the duty of that Committee to examine at large into a question which, in my opinion, requires the attention of the Government and the House as much as any question can do—namely, the superannuated and antiquarian state of the relations between the Government and the Bank of England. That most important and novel subject with all the freshness and purity of youth upon it, in reference to inquiry has never been touched. It has yet scarcely been approached by this Committee, such is the progress which it has made. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) said last night the evidence to be taken by that Committee would be nothing but a repetition of ancient and well-known doctrines about which every man had made up his mind. If the right hon. Gentleman thinks that the discussion of the currency is an exhausted discussion I quite agree with him, but although it is an exhausted discussion it is likewise an interminable discussion. There is yet life in it, life too of such a character that when you cut off one head another springs up in its place: there is, in fact, an attraction, a charm, a fascination about the currency which sometimes drives men to madness; and I really believe it has made as many lunatics in England as love itself; and I am not sure whether there ought not to be established a special asylum in which that particular mania could receive the best and most effectual mode of treatment. I think, therefore, if this Committee be reappointed, it will go on in 1858 discussing a subject which was exhausted in 1847, and at the end of 1858 will report the result of its inquiries to the House, and recommend its reappointment in order to pursue them still further. Can, then, my right hon. Friend be seriously apprehensive of hasty legislation on the subject of the currency? My right hon. Friend has nothing to recede from; the question was an open one; they had all the same objects in view, and the question then before the Committee gives my right hon. Friend the best opportunity of taking further time to consider the announcement which he made the night before. We have in this House two or three gentlemen, if not more, who have paid great attention to this subject, and every one of whom is in possession of a particular nostrum which he thinks calculated, once and for all, to dispose of all its inherent difficulties. Will all these gentlemen be struck dumb at a proposal for immediate legislation? My right hon. Friend may dismiss his fears, for, in the event of his introducing a Bill for giving effect to the deliberate views of the Government on this question, such a proposal would receive the diligent and eager attention of this House; it would be canvassed and criticised with ability and interest, and there would be no chance of its virtues, and less of its faults, escaping

observation. Now, what it appears to me we ought to do is to recognise the distinction between the question as it relates to the issue, and the question as it relates to banking. So far as the Act of 1844 is concerned, which touches the subject of issue only, and has nothing to do with banking, it is impossible we could have a better time than the present for giving some distinct intimation to the country of the views of this House on that great subject. For years past it has been obvious that the public mind has been running abroad on the subject. Differences of opinion there will always be, but there is a want of central authority which is a great evil with respect to such a question as the currency, and it is an evil which will increase if the people of this country see that the Government has no decisive sentiments upon the subject, and that Parliament has no decisive sentiments upon it, and that all that the Legislature can do is to refer it to a Committee. We have had ample experience of the working of the Act of 1844, and I must say I am not so much disposed as my right hon. Friend (the Chancellor of the Exchequer), to maintain that Act in all its length and breadth, because I think the time has come when we ought fairly to go to issue on the questions upon which we are divided. I look around me and see gentlemen opposite, and among them I take the liberty to appeal to my hon. and excellent Friend the Member for North Warwickshire (Mr. Spooner). He is going into the Committee. Now, I ask him as an honest man is he going into that Committee to learn or to teach? I hope my hon. Friend will forgive me the personality involved in the question, but I might with equal justice put it to any other member of the Committee. We go into Committee, so far as the currency is concerned, to propound our own theories, to extort them if we can from the mouths of witnesses, and to set them forth in questions the length of which generally exceeds that of the answers. On the whole it would be rather a just description of the operations of a Committee on currency if I were to say that it was a machine constructed on a principle opposite to that of all other machines, which is the saving labour; that it was a machine the object of which was to endeavour invariably to get that said in ten words that might otherwise be said in two. The appointment of a Committee is an adjournment *sine die* of this question. If that question has relation to issue, then I say that, so far as issue is concerned, we have had ample experience in the Act of 1844. I am bound to say, having been originally a party to the passing of that Act, that while I think it admits of improvement—I may say of completion, because the alterations I meant would be a completion of its object—I at the same time think that, as regards the main purpose for which it was passed, the Act has perfectly succeeded. You had in 1847 a most formidable foreign drain, and again in 1857 a most formidable foreign drain, and on both occasions you acted against that drain upon the principle of raising the rate of interest, and in both cases by virtue of the provisions of the Act you succeeded in rectifying the state of the exchanges. I feel grateful to my right hon. Friend for having shown us so distinctly, and with so much chronological fidelity, the operations that took place on these occasions. I say that, considering the Act of 1844 as an Act for the regulation of issues, we are in a ripe and mature state to entertain whatever propositions the Government is prepared to make. I do not venture now to enter upon the subject, but I hope that when we meet at the usual period for the despatch of public business it will not be considered irrational to expect—the pressure of this crisis being then, I trust, over—that the Government will be able to lay before us some proposals relative to the Act of 1844. But while I say this I must add that you have another question to consider, and one which I admit is a most fit subject for inquiry, and that is the question, what have been the commercial causes that have led to this crisis. We have heard to-night from the authentic facts laid before us by my right hon. Friend, that this is not a question of American trade. It is not a question of American trade—I mean operating by causing a demand for gold in that country. That demand for gold was one that it was right should be met by the legitimate operation of the laws of commerce; and if the operation of those laws caused an increase in the value of gold in this country it was right that it should be met by the action of the Directors of the Bank of England in raising the rate of interest. All that has been done, and it shows that if the Act of 1844 failed in correcting, or the Directors of the Bank failed in correcting the evil, and in meeting the effects of that foreign drain of gold, then the case will

stand very differently with reference to the Act of 1844. But the thing had been done by the Bank Directors prudently and wisely acting on the principle of the Act. Since that we have had a crisis, although the foreign exchanges were rectified, and it is to be noted that the crisis has been tenfold more formidable since the exchanges were rectified than when they were in an uncertain and unsatisfactory state. Now, what were the causes which produced this? There is a prevalent opinion that it is connected with the state and condition of banking. I do not presume to give an opinion, but I think it is a fit subject for inquiry. I want to have that subject inquired into by a Committee of this House, and it is because I want to inquire that I beg you not to throw the burden of it on a Committee that you are going to instruct at the same time to go over and over again the same perpetual circle of inquiry into the subject of the currency and the law of issues. If you appoint a Committee to go over the whole scheme and operations of the Bank of England, you will postpone useful legislation upon a subject for which the country is perfectly ripe, and you will choke and stifle Parliamentary inquiry into the commercial causes of the crises, which is a worthy, and legitimate, and necessary subject of investigation. That is the scope of the representation which I am anxious to make to my right hon. Friend—I hope I have not made it in a spirit of antagonism—in the hope and desire that we may seize an opportunity which I believe we have of converting a public difficulty and disaster into an occasion of public advantage for the permanent settlement of a great and important question. Is it not an immense advantage to a Government desirous to settle a great public question to be able to take it up at a moment when the mind of the community is alive and ready to assist them? Is it not often a hopeless task for a public man to endeavour to draw the mind of the community—occupied and distracted by a thousand calls upon it—to subjects that he knows to be of the greatest importance? Take a familiar instance and illustration. But a year ago, how many Gentlemen could be brought together in this House to listen to a debate on Indian affairs? And shall we now, because we are smarting under our losses, and from a fear of hasty legislation, postpone the practical consideration of that great question till the time comes when the public mind will again relapse into carelessness and apathy? Unless it can be shown that our experience of the law of issues is inadequate, and that there are facts that have not been brought to our knowledge, this is the time at which we ought to deal with this great question. When Parliament has given a full and definitive judgment on the subject of the law of issues, then you will be in a position to consider the laws of banking in such a way as you can never otherwise attain. I will just advert in the way of illustration to a topic that will not, I trust, give offence to the Gentlemen from Scotland. I must say that, so far as regards the long-vexed question of cheap, easy, and safe system of circulation of bank-notes in Scotland, and perhaps in Ireland, I never expected to have lived to see the day when Parliament would be in such a position of advantage for dealing with that question as it is now. That £2,000,000 of gold should have been sent to Scotland to enable people in that country to go on with a system of investing their capital in securities, instead of employing gold which would not be profitable to them, was indeed a singular state of things. It was, no doubt, extremely satisfactory to them; but I hope the intellect of England is not so entirely in the background, but that they understand at whose expense this has been done. As an explanation of the present state of things, I may say that no doubt the system that exists in Scotland is an extremely cheap and easy system of living for a private individual who can prevail upon his friends in that way to pay his debts. The present is the right moment to consider these questions, as in 1859 or in 1860 we cannot answer for the public mind being at all favourably disposed towards the subject. We have before us other questions of a most gigantic character, and, from their accumulation and the unpreparedness of our minds for them, the most overwhelming and appalling that I ever remember as a public man to have had in view. You have to consider the manner in which we are to govern 200,000,000 of men of another race, of another religion; an ancient nation, which you thought you could treat as if they were so many figures of wax, but who have their own institutions, their own ideas, their own history, their own

civilization, and with respect to whom we thought we had nothing to do but to walk into their country and proclaim the superiority of the Anglo-Saxon race. Sir, in 1859 and 1860 we shall probably not have settled these questions, and they are questions indeed which ought not to be precipitately settled. Great changes may be looked for in this country and in the management of Indian affairs, and we can by no means feel assured that in the midst of these gigantic subjects it will be very easy to turn the public mind to Scotch banks and to the question whether they ought to support their circulation by means of a fund of which the whole cost is to be defrayed by you. There cannot be much doubt that Parliament is quite competent to entertain that question, and to go into an examination before a Committee would only be to let slip the golden opportunity when you could insure the attention of all the most competent men in the community, and when you may be certain that the effect of referring these subjects to an overburdened Committee will be twofold —first, the postponement of useful and, I trust, final legislation for properly completing the Act of 1844 in regard to the laws of issue; and, secondly, the postponing, perplexing, and confusing that inquiry which is most essential, and which I think you should institute, into the commercial causes of the recent panic, and, I grieve also to say, of the present embarrassment.

Mr. SPOONER said, that as his right hon. Friend had appealed to him he begged to state that if a Committee were appointed, and if he were upon it, he should not enter it with any wish to propound his own plans, but with the desire that the Committee should be instructed to inquire what had caused the present distress and what remedy ought to be applied. He agreed that if the Committee entered upon a similar inquiry to that embarked upon by the last Committee, there would be no end to the investigation. It was true that many of the questions put by the last Committee were longer than the answers; but one witness in answer to a question delivered in a positive essay, a great deal of which had been printed in a pamphlet, and which he had no desire to hear. A noble Lord who was examined before the Committee of last Session, who was a man of great knowledge and experience, and was supposed to be better able than any one else to advise the Committee—he referred to Lord Overstone—gave, no longer ago than last July, the following opinion as to the working of the Act of 1844:—

> "Suffice it to say, that by strict and prompt adherence to the principles of the Act of 1844 everything has passed off with regularity and ease, the monetary system is safe and unshaken, the prosperity of the country is undisputed, the public confidence in the wisdom of the Act of 1844 is daily gaining strength, and if the Committee wish for further practical illustration of the soundness of the principles on which it rests, or of the beneficial results which it has ensured, the true and sufficient answer to the Committee is, look around you, look at the present state of the trade of this country, look at the prosperous condition of the revenue of the country, look at the contentment of the people, look at the wealth and prosperity which pervade every class of the community, and then, having done so, the Committee may be fairly called upon to decide whether they will interfere with the continuance of an Act under which those results have been developed."

He would reverse the picture of prosperity drawn by the noble Lord, and he would ask the House to look at the present state of the country—the failures daily taking place and the numbers of workmen out of employment. The House would then, he thought, be ready, not simply to amend, but to abolish an Act which had been completely delusive, which had not answered any one of the expectations held out by its framers, and which, so far from being regarded with confidence, was condemned by every manufacturer and mercantile man with whom he was acquainted. He believed that hon. Members had hardly seen the beginning of the dangers which threatened the country from the operation of the Bank Act. What would they do when all the persons out of employment looked to them and clamoured for support? He was afraid it would not satisfy their hunger to tell them they must wait until things came round of themselves. Sure he was that the Act of 1844 was wrong in principle, dangerous in practice, and that there would be no safety for commerce until they were prepared to repeal it. It must not be lost sight of that the Act of 1819 had never yet been carried out. Whenever that Act had been in full operation a state of distress always arose that compelled Parliament to mitigate it. In 1819 the Act was passed. In 1822 Parliament was obliged to mitigate it in order to relieve the distress that then existed. Lord Castlereagh told the House of Commons in 1822 that the Act of 1819

was right in principle, but that it had been too hastily carried out, and he brought in Bills having for their end to counteract the operation of the Act of 1819. This they did, and thereby restored prosperity to the country, but the prosperity was hollow, and always would be until Parliament put the currency upon a sounder footing. In 1825 the King's Speech boasted of the great prosperity of the country, and the Chancellor of the Exchequer of that day told the House of Commons that they who doubted it could only be displeased at the means by which it had been attained. In July of the same year, when Parliament was prorogued, the Chancellor of the Exchequer repeated his boast of the prosperity of the country. He (Mr. Spooner), although not a Member of that House, happened to be within hearing of the right hon. Gentleman's voice, and he remembered his turning round to Mr. Brougham, who had a Motion on the paper for Parliamentary reform, and saying, "All this has been dispensed through the portals of our ancient constitution to a grateful and generous people." In 1826 the same right hon. Gentleman had to deplore the state of almost every interest in the country. He could not account for the revulsion which had then taken place except through the imprudence of the country banks. There had been a great many palliative measures, yet panics had followed one after another, and it was very singular that almost every panic had been preceded by a declaration of perfect prosperity, such as he had read from the evidence of Lord Overstone. There were debates in 1810 and 1811, and a Resolution was passed, with the approbation of the noble Lord at the head of the Administration, who was then a member of the Government, that a pound-note and a shilling were as good as a guinea, in opposition to a Motion that there had been great depreciation which ought to be arrested. A great authority with gentlemen on the other side of the House, Mr. Horner, said that if they continued much longer without arresting the depreciation, it would be impossible to arrest it. The national debt was then under £400,000,000. The depreciation was stated to be 15 per cent. The national debt was raised to £800,000,000, and it was said the depreciation was more than 30 per cent. Yet from the year 1819 they had endeavoured to do that which Mr. Horner said was impossible. Another authority, Mr. Henry Thornton, told both parties they were wrong; that "the Government was wrong in denying the depreciation, and that Mr. Horner was wrong in desiring to fix a day on which they should return to the ancient standard of value. He (Mr. Thornton) doubted whether they could ever return to the old standard of value, and he doubted more whether the question of justice had not passed to the side of depreciation." They had tried palliatives in every shape, and they had only relieved themselves for the moment to aggravate the evils, until, if they went on, they would find a panic come which would break up the whole social fabric of the country. Nominally they might have, but practically they never had, and never would have, a currency redeemable in gold sufficient to carry on the commercial enterprise of this country. If they examined the evidence given before the Committee which sat last year and before previous Committees, they would find this principle laid down—that the Bank was permitted to issue £14,500,000 notes on securities, bearing on their face that they were to be paid in gold, because the country never could bear to be brought into that state in which gold would be demanded. Therefore, he repeated, it was not convertible into gold currency; it was a fraud upon the face of it, and it was a system which they were not justified in supporting. They did not pay in gold, but they took away from the people the power of asking payment in gold. It was said that the Act of 1844 was beneficial because, by raising the rate of discount, they turned the exchanges in our favour. That meant that a man who wished to get gold must pay a *minimum* rate of 10 per cent, and often 13 per cent, for discount, so that having property, and dealing on the faith of a continuance of the state of prosperity, which was said to exist in June, a man found suddenly he could not meet his engagements because he could not sell his goods, and had to suffer a penalty of 13 per cent before he could pay his debts. It was a case which it was almost impossible to explain in that House, because of the knowledge of details which was required to make it intelligible; but if the Committee were formed, they ought to be instructed to inquire how far the Act of 1844 had enabled them to carry out the Act of 1819. What was the cause of the present distress? They had been told that there had been no over-issue. They had been told that there had been no general over-

trading. They had been told that certain joint-stock banks had entered into engagements far beyond what they ought to have undertaken, and therefore they had brought discredit on the system and shaken public confidence in it. No one would justify the conduct of one or two of those firms which had been alluded to; but it must be a very doubtful system if a want of prudence in two or three large establishments could produce such a general want of confidence as to justify the Minister in advising the Bank Directors to disobey the law. It was not a proper state of things. They would soon have petitions from all parts of the country for inquiry, and if they did not inquire they would neglect a very important duty. The cause of the evil was the Act of 1844. The Act of 1844 compelled the Bank of England to buy gold and to increase the circulation by the issue of notes, whether an increase of circulation were wanted or not. The consequence was a reduction in the rate of interest, even to two per cent, leading to speculation in foreign securities, which were worth nothing, or at least could not be realised for a long time. If it were a question of loss or gain to individuals the House would have nothing to do with it; but it was another matter when the currency was in such a state that a few great failures affected the whole community to such an extent as to fully justify the Government in advising the Bank to break the law. The eyes of the country were opened, and the people were perfectly aware that the present monetary law was the cause of all the evils. They did not wish an inquiry into the question of banking, but a solemn and serious investigation into the cause of the present state of things, and what would be the best remedy to meet the present difficulty and prevent its recurrence. But if that were to be put off until after the usual time of meeting in February, they might find that which was a great deal worse than a foreign drain, namely, an internal drain going on, and a wholesale locking up of money from total want of confidence in the monetary system. He should give his cordial support to the Bill of Indemnity now proposed, believing that the Minister would have neglected his duty had he suffered the state of things existing at the time to continue without doing that which certainly for the moment has mitigated the panic. But if matters were to remain in their present position the evil would undoubtedly increase, and a still greater difficulty would have to be met. The wound was for a moment slightly healed over, but without further relief it would break out again, and with greater danger to the country. There must be a full and calm investigation as to the real origin and nature of the crisis, which must be entered upon without any foregone conclusion, and without any desire to press forward a particular theory. He was supposed to belong to a school which supported an unlimited and inconvertible currency, but in truth he had never advanced nor given his support to any such doctrine. He would have a limit, and that limit should be the amount of debt owing by the Government to the Bank, instead of the Bank having Government securities locked up in their chest, and putting out a quantity of notes professing to be convertible, but of the payment of which in gold there was not the slightest chance. He would have a national paper to the extent of £20,000,000 a legal tender, and administered by the Bank; and he would allow the Bank to issue notes of their own, payable on demand in gold. In this way the country would have the benefit of a double currency. The plan, it would be found, would be more beneficial and more consistent with the best interests of the country, and would furnish a regular and steady circulating medium, about the amount, as it appeared, which the regular wants of the country demanded. It would put an end to fluctuations, which were destructive of the proper way of managing business, and though, of course, it would not abolish foolish speculation and foolish systems of banking, it would prevent the imprudence of individuals becoming a national evil. He had a strong objection to the provision which the Chancellor of the Exchequer proposed to insert in the Bill, giving the Bank or the Government power in future to break the law. The country would scarcely be willing to leave this power in the hands of any Corporation, still less of the Government of the day. The best mode would be to fix the currency on such a basis that it would never need any interference whatever. Every panic which had occurred had been more severe than its predecessor, and every panic which occurred in future would be more dangerous than any which we had ever yet experienced.

Mr. GLYN said, he had not understood the right hon. Gentleman the Chancellor

of the Exchequer to propose the insertion of any Clause giving such a power as that which the hon. Gentleman opposite had just mentioned. The right hon. Gentleman had said that it was a matter which might be fairly taken into consideration by the House, but the Clause which he had proposed to introduce was quite of a different character. ["No, no!" from Mr. Spooner.]

The CHANCELLOR of the EXCHEQUER: What I said was, that I would insert in the Bill a Clause authorising the Bank to exceed their legal limits for 28 days after the meeting of Parliament which would occur immediately after the recess.

Mr. GLYN said he was glad he had drawn that statement of his intentions from the right hon. Gentleman. There was also another point on which he could not agree with his hon. Friend who had just sat down, namely—the effect of the Act of 1844 upon the commercial crisis through which the country was passing. He could not help thinking that the hon. Gentleman had mixed up two entirely distinct questions—the question of capital and the question of currency. No man reflecting calmly on the events of 1847 and 1857 could fail to see that in each case the crisis in the monetary world was primarily brought about by much the same causes acting upon the capital and credit of the country. In 1847 the commercial crisis was mainly brought about by the overtrading of this country with India, by large speculations, with the continent of Europe in the corn trade, which utterly failed; and these, added to the internal pressure on the Bank which arose, were primarily the causes of the crisis of 1847. If the causes of the present crisis were traced, it would be found that although the parts of the world from which the pressure arose were different, yet the causes were identical with those which produced the crisis of 1847. We were now suffering from the action upon this country of the terrible overthrow of our commercial relations with the United States. We were also affected by a new feature which has hitherto not been felt in our commercial affairs—the total destruction of commercial houses connected with the North of Europe. This was the first time that it had been discovered that the trade between this country and the North of Europe was carried on upon the same system as that between this country and the United States,—a system of credit. There had been a thorough break down of the credit system, on which the trade with the North of Europe was conducted, the results of which were to be seen in their disastrous effects at Hamburg, and were acting also on this country The other important cause of the crisis, which had been alluded to by the right hon. Member for the University of Oxford (Mr. Gladstone), was also a new cause—extraordinary over-banking in Scotland. That, added to the over-banking in some parts of England, had produced the internal pressure which had led to the disastrous results from which the country was now suffering. But those results could, in his opinion, not be traced up to the Act of 1844 in any way which was at all consistent with just reasoning. He entirely agreed, however, with the hon. Member for North Warwickshire (Mr. Spooner), that the country having arrived to this point of pressure, the Act of 1844 was entirely inefficient to relieve it. He agreed also with those who, though they found some advantage in the Act, yet saw in it a restriction which was attended with the most disastrous effects. The principal provisions of the Act of 1844 might be summed up under three heads. First, there was the separation of the banking and issue departments; next, the restriction on the amount of paper circulated upon securities; and, thirdly, the regulation of the country circulation. As to the first, the separation of the two departments, which in 1844 was looked upon as a great discovery, but which, it was now known, the Bank Directors had for some time previous to the introduction of the Bill of that year adopted as a departmental arrangement for book-keeping purposes,—that division was no doubt a wholesome plan so long as it was confined to the circle of that establishment, and as carried out by the Directors themselves; but when it was made by statute a regulatory part of the Act it was attended by most disastrous effects. As to the restrictions upon the country bank circulation, there was not much difference of opinion that the Act of 1844 had been highly beneficial. With respect to the other point, the limitation of the circulation on securities to £14,475,000, there he confessed he found the great difficulty of the question. He thought no person who had watched the progress of the crisis in 1847, and again in 1857, could fail to arrive at the conviction that, although the pressure was

not caused by the Act, yet, the pressure existing, the limitation of power of issue upon securities became in itself a primary cause of evil. The existence of pressure tended to reduce the reserves of the Bank, and then what did every prudent person do? Seeing the reserves diminishing, he acted not in a moment of panic, for he (Mr. Glyn) denied that there had been any panic in England. There had been violent pressure, but no panic. In such a time a man with engagements to meet, honourably determined to make every sacrifice to meet them, whatever the rate of discount might be, would acquire currency. Not being a reckless speculator, but a man who knew that on him and men like him the credit of the country depended, at any sacrifice he would obtain a supply of currency. He would purchase currency at 10 or 20 per cent, in short at any cost, for the fulfilment of his honourable engagements, and therefore his proceedings and those of others, who acted likewise, still more reduced the Bank reserves. What was the inevitable consequence?—and he used the word "inevitable" advisedly, for he would like to see the man who would say that such persons as he had described should not have the means of obtaining currency for their securities and property. That being so, the issue of a suspensory letter became a matter of course. He was bound to say that both in 1847, and again in 1857, the Governments of the day had exhibited great judgment, especially in 1847, which, being the first occurrence of difficulty, required a degree of moral courage which could not be too much appreciated by the country. Nothing could exceed the promptitude and wisdom in selecting the period for the issue of the letter that had been evinced by the Government upon the present occasion, and he might remark, from his own knowledge, that it had been issued without any pressure from commercial bodies upon the Government, although upon that very day a deputation was ready to come up from Liverpool to press for the issue of such a letter, but they were informed by a telegram from London that their wishes had been anticipated by the act of the noble Lord. It was reduced to a simple matter of fact, that when a time of pressure came a letter, or some such instrument, must be issued to relieve the Act of 1844, and he hoped the Government of this country would never fall into the hands of any individual hardy enough to carry out what were called the first principles of the Act. If any person should attempt to do so he would speedily be hurled from power, not by any vote of the House, but by the physical power of the country. ["Oh!"] That statement seemed to give rise to some difference of opinion, but did hon. Members who cried "Oh!" suppose that all the people connected with the mill power of this country, with the mining interests, that the mass of operatives thrown out of employment, would be content to remain without wages or means of existence, simply because a principle, so called, was to be maintained? Therefore he did not believe that any public man would attempt to uphold the Act under such circumstances. The facts being as he had stated, then there came the question which the House had to determine, whether that relaxing power should remain as at present in the hands of the Government without any certainty or positive knowledge of when or how it could be effected? It appeared to him that the power should be lodged in the hands of a responsible body like the Directors of the Bank of England, and he could see no reason why, under certain Parliamentary control for the regulation of the bullion, that body should not be invested with that power. Either this course must be adopted, or they must have recourse to the alternative of a pure metallic currency. He did not believe the country was prepared for this latter course, and with the example of Hamburg before them he thought few persons would be rash enough to advise it. The position in which the matter stood at present was one which the country could not be expected to tolerate longer. It was constitutionally wrong that the power should remain as it was acted upon without any certain rules, and depending entirely upon the feeling of those who for the time were intrusted with the administration of the affairs of the country. The present was not the proper occasion to enter into details, but before he sat down he felt it his duty to offer his testimony to the manner in which the Bank Directors had acted during the recent pressure. He thought their conduct had been beyond praise; they had shown a degree of firmness, of vigour, and he might add discretion, which entitled them to the warmest thanks of the country.

MR. HENLEY said, he wished to remind the Committee that the question

immediately before it was the introduction of a Bill of Indemnity to the Bank of England, but they had got into a somewhat desultory discussion, owing in a great measure to the right hon. Gentleman the Chancellor of the Exchequer having lumped two questions into one speech—the Committee to inquire into everything, and the Bill of Indemnity. He (Mr. Henley) agreed with the hon. Member for Kendall (Mr. Glyn), that there would be no difficulty about the Bill of Indemnity; for if the Government had not placed themselves in a position to ask for it they would, if they had not been torn to pieces in the meantime by the exasperated people, have certainly exposed themselves to the danger of having to meet a Bill of impeachment. If they had acted differently a popular commotion would probably have become inevitable, and it would be impossible to defend the conduct of a Government which had caused such a calamity. He should, therefore, give his cheerful support to the proposed Bill of Indemnity. But then there pressed upon his mind the question of why was there any need for an Act of indemnity at all? What was the state of the law? Twice within fifteen years a great banking corporation which had endured for more than 150 years, possessed of enormous capital, publishing its accounts weekly, showing a "rest" of some £3,000,000 or £4,000,000 above all its engagements, was placed by the state of the law in such a position that the Government of the day had been compelled to come to Parliament to ask for an Act of indemnity for doing that without which that great corporation would have been unable to pay a shilling of its obligations. It was true the Bank Directors said afterwards, that the measure was forced upon them in 1847, and that they did not want it. That was a matter of opinion, because what the state of things would have been had not that letter been published in 1847 men might venture to differ about. Upon the present occasion the right hon. Gentleman the Chancellor of the Exchequer had turned the screw a little tighter than in 1847 before he applied the relief that was required. The hon. Member for Kendal (Mr. Glyn) had given credit to the Government for their spontaneous action upon the matter, and, under the circumstances which had been stated by the right hon. Gentleman the Chancellor of the Exchequer, there could be no doubt upon the subject. But the hon. Member for Kendal had stated something which seemed to cast a doubt upon that opinion. The hon. Member stated that there was no pressure in London, but that there was a deputation coming up from Liverpool who were only stopped by the receipt of a telegram acquainting them with what had happened. It was said that "coming events cast their shadows before," and perhaps the Government might have been aware that such a deputation was about to visit them. He entirely differed from his hon. Friend behind him (Mr. Spooner). He (Mr. Henley) wished to see the bank-note convertible into sovereigns at the will of every man who held it, and he could not conceive any system of currency to be safe without that. Then the next question was, what was convertible. His notion of convertibility was, that let a man go to the counter of the Bank when he might he should be sure to receive sovereigns for his note. Then came the question how far the Act of 1844 secured that object. The Chancellor of the Exchequer stated that the late distinguished individual, who had brought that Act forward, had described its objects as being—first, to prevent panics; secondly, to maintain convertibility; and thirdly, to prevent undue speculation by the issue of paper. Sir. R. Peel had himself admitted that the Act had failed to prevent panics. Then, having failed to prevent panics, had it secured convertibility? Would any man say that if the Act had not been suspended a short time since the notes in circulation could have been paid in sovereigns by the Bank? That was a plain and simple question. What had the Bank got to pay them with? In ordinary times the Bank of England had in circulation £20,000,000 of notes, £14,000,000 of which were issued on securities, and the residue on gold, which was not in coin. Therefore, if in the present instance the Act had not been suspended by the Government letter, he asked how long it would have been, the Bank being unable to pay its deposits over the counter, before people would have gone there and have demanded payment for their notes in gold? It was said that people would never be so foolish as to go to the Bank for such a purpose; but it was the confidence which they felt which alone prevented them from doing so, and if that confidence were destroyed they would not be slow in demanding gold in exchange for their

notes. They must rely on keeping up that confidence after all, because it was the foundation of all banking operations, unless they fell back as the hon. Gentleman, (Mr. Glyn) had said, entirely upon a metallic circulation. Everything beyond that rested on confidence. No banker could keep every shilling that was confided to him in his coffers ready to be repaid—he must trust to being allowed to keep a portion of it on securities. At the same time he must have a certain proportion always ready to meet the probable demand of his customers. So it was with what was called this mixed circulation. If they chose to sanction issues on securities nothing but keeping up the confidence of the country would enable that circulation to become equivalent to a circulation in coin. If it carried with it a limit, they laid a foundation for a want of confidence, and that want of confidence, if they tried to maintain the law in a period of pressure, would necessarily prevent bank notes being exchanged for gold. A good deal had been said in the course of the debate upon the subject of panics, and Sir Robert Peel had been quoted as stating that provision must be made for panics, because they were things against which reason was of no avail. He (Mr. Henley) should like to know what ground there was for calling the difficulties of 1847 and of the present time "panics"—whether, in fact, the apprehensions which were experienced were founded on reason, or whether they were idle and in the nature of a panic? That was the real question before them, and if any hon. Member thought otherwise he (Mr. Henley), had a right to demand an answer. The hon. Member for West Kent (Mr. Wykeham Martin) who moved the Address on the previous evening, had quoted, and had so far adopted, the opinion of Mr. Hubbard the Bank Director, upon the subject of panics; and he (Mr. Henley) should wish to examine a little more closely not only the opinion of Mr. Hubbard, but also of Mr. Weguelin, the then Governor of the Bank of England, upon the subject of panics. Both gentlemen agreed in blaming the public in 1847; one said that they were "excessively ignorant," and the other stated in milder terms that they were not well acquainted with the true principles of the Act of 1844. Both contended that it was the panic that had occasioned all the mischief, and they went on to explain that that panic arose from the public not understanding what they were pleased to call "the normal state of the decrease of the reserve at a particular time." It was fortunate for those gentlemen that the decrease in the reserve in 1847 took place in the month of October, because it afforded an excellent opportunity for constructing a little history to show that the public had been unreasonable; and it would have done perfectly well if those gentlemen had kept clear of figures. But they had gone into figures, and he (Mr. Henley) confessed that he had a weakness for figures; and he trusted the House would excuse him if he troubled them with a few extracts from the opinions expressed by Mr. Hubbard and Mr. Weguelin. Mr. Hubbard said—

"But the chief difficulties were occasioned by the excessive ignorance of the public generally with regard to the action of the Bank, and especially its action periodically; and when the publication of the reserve of the Bank showed it in a very declining state in the commencement of October the public mind was alarmed, and the alarm, of course, became what is called a panic."

Now, the difference between an "alarm" and a "panic" depended upon whether there were any reason for the apprehension which existed. That was the whole case. What was called a "panic" was, according to Mr. Hubbard, an "unreasoning apprehension," so that if there were reason for the alarm it ceased to be a panic. Mr. Hubbard went on—

"An unreasoning apprehension, which forced people to lock up what money they had got, and try to get more, in order to avert some impending calamity."

That was exactly what the hon. Member for Kendal (Mr. Glyn) said; and he (Mr. Henley) contended that for an honest man to look about him in the time of difficulty to see what money he had got, and to try to get more, to pay his debts and save his pledged honour by discharging the obligations he had contracted, was to exercise prudence, and was not yielding to a panic. But Mr. Hubbard did not stop there. He ascended next into the region of prophecy, and he said—

"I believe, therefore, that the experience of 1847, so far from showing that the Bank Charter Act is untenable in times of difficulty, proves that it did operate with thorough success—a success which would be greater under future trials by reason of the Bank feeling more confidence in their own position. But, what is more important still, the bankers and mercantile community will know that they must exercise a little individual prudence, and not consider the Bank of England to be always the dry nurse in the hour of necessity."

That was a prophecy which was given in July of this year. We were now at the end of 1857, and how far, he asked, was the prophecy of Mr. Hubbard justified by the experience of the present moment? We have banks and we have a so-called panic, and had there been any advantage from the instruction of the public, because it was not altogether a matter of experience, but a matter of instruction also. He should next call the attention of the House to the opinion of Mr. Weguelin, as given in evidence before the Committee. The question which had been put to him was,

"Supposing that in 1847 in the month of October the Bank accounts and the various effects of regular domestic causes and the export of bullion had been as correctly understood by the public as they are now, do you think that the same amount of panic would have accrued?"

The answer was, "I think not:" that was to say, that he thought if the public had understood the matter as correctly in the winter of 1847 as in the summer of this year, the same panic would not have occurred. He went on to say—

"The lowest amount of reserve in that quarter of 1847, and consequently, the highest amount of active circulation with the public, corresponded exactly with the period at which you might expect the lowest amount of reserve and the highest active circulation; consequently, if the public had been aware that it was nothing more than a mere normal action of the reserve and the active circulation they would have concluded that from that period the active circulation would begin to decline to the benefit of course of the reserve of notes at the Bank."

Mr. Weguelin had then proceeded to quote figures in support of his views, but in what did the nature of those figures consist? It appeared that at the commencement of October, 1847, the amount of reserve notes in the Bank had been £3,852,000, and that by the 23rd of that month it had sunk down to £1,194,000, thus causing a difference of £2,658,000, or a diminution of 68 per cent. Mr. Weguelin had contrasted that state of things with the position of affairs in 1856, and had gone on to state that in September, 1856, the amount of reserve notes was £6,818,000, while upon the 18th of the following month it had fallen to £3,080,000, thus causing a diminution of £3,738,000. He then drew from the circumstance that in 1847 the reserve notes in the Bank had only been diminished by a sum of £2,658,000, while in 1856 the amount of the diminution had been £3,738,000, the inference that the public alarm in 1847 had been a panic, because in 1856, with a larger depression in the reserve, the people of the country had not been at all alarmed. It appeared to him (Mr. Henley), however, not a little odd that such a man should suppose it to be the same thing to take £2,658,000 from a reserve of £3,852,000 as to take by no means a proportionately great quantity from a much larger sum. Prudent men of business did not consider the amount which was withdrawn so much as that which remained behind, because that was the important point with persons who were in a position to require assistance from the Bank. So far, therefore, as the statement to which he had just called the attention of the Committee went, there was fair evidence afforded by the last figures to prove that, so far from the derangement of 1847 having been caused by panic, it was the result of a reasonable alarm. He was therefore of opinion that the ground was quite cut away from under the feet of those who asserted that the provisions of the Bill of 1844 were always to be relied upon, except in cases of panic. There was, however, another question connected with the Bill of 1844 with respect to which he held opinions which were not generally entertained. His opinions upon the point were not shared in by the hon. Member for Kendal (Mr. Glyn), but he had, nevertheless, the satisfaction of knowing that they were supported by no less an authority than the late Governor of the Bank of England. He had never been able to understand why it was that when the Bank was issuing as large an amount of notes as its Directors deemed fit in 1844—some £20,000,000, or thereabouts—a law should be passed to the effect that they might if they pleased, in addition to those notes which were represented by their £15,000,000 of bullion, issue to the extent of £14,000,000 more. The immediate effect of such a proceeding he believed to be to inflate the currency of the country and to produce to a certain extent extravagant traders. The late Governor of the Bank of England had, however, in a confidential communication which he had addressed to the Chancellor of the Exchequer, elucidated that point much more ably than he (Mr. Henley) could hope to do, and he should therefore take the liberty of reading a portion of his letter, which was published in the Blue Book to the Committee. The hon. Member for Southampton (Mr. Weguelin), after dealing with various matters, remarking on

some objections and adducing some advantages of the Act, in that letter went on to say—

"But, on the other hand, the Act, and more especially the reasoning of its supporters, encourage a dangerous theory that the Bank of England may in its banking department in all respects act as would a private banker in the management of his deposits. It thus favours the competition with private money lenders, which in periods of large deposits is apt to produce an unwarranted inflation of credit. But here no distinction is drawn between a drain for exports, which is the consequence of an inflation of credit, and a drain for the internal accommodation of the country, which may be caused by discredit, or which may represent the natural oscillation of the currency. The limitation of issue which in the former case is salutary, in the latter would add to and intensify the difficulty; or in the natural oscillation of the currency leads to erroneous conclusions in the public mind as to the true position of the Bank in times of difficulty."

Now, that was a strong assertion to come from such an authority; it was an assertion, moreover, from a gentleman who professed himself to be a friend to the Act. He was pressed upon the matter, and candour would compel him (Mr. Henley) to state that the whole matter was handled very gingerly. It was not a question that exactly suited a gentleman who was a great supporter of the Act. The hon. Member for Southampton answered, if he (Mr. Henley) recollected his statement correctly, he did not mean to express so much his own opinion as the opinion of others. He did not mean to apply it to the limit. Be that as it might, it was brought forward at all events, and the hon. Member must have thought that the reasons of the supporters of the Bill were very important, if it was necessary to introduce them concerning an opinion given in a confidential communication between the Governor of the Bank of England and the Chancellor of the Exchequer; and, therefore, the least that could be said was, that in that opinion the reasoners in support of the Bill concurred. He (Mr. Henley) looked immediately to see whether there were anything to support that opinion, because after all it was an opinion, and whether it was right or wrong was much more important than whether it was the opinion of any particular individual, however high an authority he might be. He had ascertained that in the year 1843 the amount of notes issued by the Bank was £19,000,000; that the private securities which were said to be the best index to the discounts of the Bank, had been £5,900,000, and the amount of bullion £12,000,000, while up to the 31st of August, 1844, the amount of notes issued was £21,000,000, and the private securities £6,000,000; such was the state of things previous to the passing of the Bill of 1844; but what was the condition of affairs relative to another circumstance to be considered—the rate of discount? The rate of discount at the Bank of England in those two years was 4 per cent. What was the market rate at that time? Mr. Chapman, a gentleman, he believed, well known as being connected with a great monetary firm, laid before the Committee a tabular statement of the rate of discount at the house of which he was a member. In 1843 and 1844, when the Bank was discounting at 4 per cent, Mr. Chapman's house, of which he believed the common name was Gurney's, discounted in 1843 at £2 3*s.* 4*d.* per cent, and in 1844 at £2 2*s.* 6*d.* per cent. Therefore, before the Act of 1844, the rate of discount at the Bank was 4 per cent, while in the great money house it was considerably less. He would now come to 1845 and 1846. In 1845 the notes issued by the Bank, instead of £21,316,000, amounted to £28,250,000; the bullion was £15,600,000, instead of £16,000,000; the private securities, instead of being £6,854,000, jumped up to £11,760,000. In 1846 things were much about the same, with the exception that the notes were £28,400,000, but the private securities had jumped up to £17,900,000. That he thought was some little evidence of an inflation of credit. But what was the rate of discount? He had shown that in 1843 and 1844 the Bank rate of discount was £4 per cent, while the rate at a private discount house was only £2 3*s.* 4*d.* and £2 2*s.* 2*d.* But in 1845 the Bank rate of discount was £2 13*s.* 4*d.*, while at Gurney's it had risen to £2 19*s.* 3*d.* That was a rather important alteration. The quantity of notes in the Bank till was no doubt very great, and he supposed that, like other people, they wanted to shove out their goods, and the shoving of them out naturally produced some sort of inflation of credit. To what extent that inflation was responsible for the crisis of 1847 he knew not. The facts, however, to which he had adverted certainly seemed to give some weight to the allusions referred to by the hon. Member for Southampton (Mr. Weguelin) that the Act had a tendency to produce an unwarrantable inflation of credit. He would now, to use a vulgar expression, take the other end of the stick, and he

was glad that the hon. Member for Kendal (Mr. Glyn) would agree in what he was about to say. The hon. Member for Southampton said, "But here no distinction is drawn between a drain for exports, which is the consequence of an inflation of credit, and a drain for the internal accommodation of the country, which may be caused by discredit, or which may represent the natural oscillation of the currency. A limitation of the issues which in the former case is salutary, in the latter would add to and intensify the difficulty." That was the opinion of the then Governor of the Bank. It was not very easy to find out any period at which there was a very long drain, from whatever cause, without distress. When money went out of the country in great quantity it was pretty soon followed, if not accompanied, by distress. He would read the history of our country with very little discrimination who did not perceive that when great foreign drains took place, even unaccompanied at the moment by distress, they were almost invariably followed by pressure, and thereupon by internal discredit; and when a limitation of issues succeeded, it was very likely to add to and intensify existing distress. The evidence, therefore, of the hon. Member for Southampton was a rather strong case against the Bill. It was rather a strong circumstance, and he could not say that anything which he had heard in the debate relieved his mind from the effect of it, that by the operation of the Bill they had been brought into that state twice, and within ten years the Government had been obliged to come to the House for a Bill of indemnity for preventing the necessary mischief that must result. He was not willing to trespass much longer on the time of the House; but he must refer to the question which had been raised as to what they must do under the circumstances. No one had yet ventured to say in that House that the Act ought to have been maintained in its integrity, although it appeared that some person had said elsewhere that the Act ought to have been maintained, and that everybody ought to have been crumpled up. How they were to distinguish between good and bad—how they were to winnow the wheat from the chaff in that universal crumpling up, he could not say; nor did any one in that House venture to say that they thought any such proceeding desirable. One reason, perhaps, was because they had constituencies to answer to, and therefore they might not be so hard-hearted as to propose to adhere to a strict principle, the adherence to which would cause ruin to thousands, as a person who was accountable to no one but himself. However that might be, he did not think that anybody in that House had ventured to recommend such a course. The next question for consideration was this, Was it safe or desirable to leave this matter to the discretion of the Government? The House ought to require that there should be some definite mode of relaxing the Act or that it should be altogether repealed. In speaking of its repeal he alluded only to that part of it which related to the limitation of the issue by the Bank of England. That part which dealt with the country banks was a very different question. He always thought that the part of the Act of 1844 relating to those banks was based on a sound, while that relating to the Bank of England was based on an unsound, principle. Opinions had somewhat altered during the last few months with regard to the Act. In July the hon. Member for Southampton expressed himself thus:—

"The result, I think, was satisfactory. In no case has the reserve gone below £3,000,000, and on the whole there has been no anxiety in the public mind with regard to the state of our reserve."

The gentleman to whom he had already alluded, viz, Mr. Chapman, did not seem to be quite of that opinion. In answering a question which was put to him, he said—

"I carried on business in 1856 under circumstances of great anxiety, On the 23rd the reserve notes were £2,500,000."

In answer to a question put, he believed, by the right. hon. Gentleman the Member for the University of Oxford, he said—

"You can easily understand that we must all be living in very great anxiety indeed. Unless they are asleep, all must be in a state of great anxiety."

But that was not all. It was clear from the testimony of not an uninfluential member of the monetary world, that in the autumn of 1856 great anxiety existed, and Mr. Chapman made a most remarkable statement on that occasion. He said—

"We carried on our business under a tacit understanding from the Government that we should be relieved."

He (Mr. Henley) begged to call the attention of the Chancellor of the Exchequer to that statement.

THE CHANCELLOR OF THE EXCHEQUER: It was contradicted.

MR. HENLEY: Let the right hon. Gentleman rise and say where it had been contradicted. It was endeavoured to be explained away in this manner. Mr. Chapman said—

"It was no Member of the Government, no Member of Parliament, and no member of the Bank of England; but the statement came to me from an individual whose position was such that I believed the Government would relieve us."

That was the result of what was called the contradiction; he did not know what it was worth. But now as to the question where this power ought to be lodged: for himself, he confessed that he saw no place where it could safely be lodged. He believed there ought to be no limit. That was his opinion, and he thought it was proved almost to demonstration by what had fallen to-night from the Chancellor of the Exchequer. The right hon. Gentleman—who had argued as though he were going to be hanged and it was necessary to make out a strong case for a Bill of indemnity, said, "Don't run away with the notion that the law has been infringed to the extent of £2,000,000;" and he went through an endless array of figures to show how little the law had really been broken, squeezing the extent of infringement down to £900,000 or a million. Would any person, however, tell him (Mr. Henley) that if the issue of that £900,000 would have prevented all the trouble, alarm, and mischief which had prevailed, the convertibility of the Bank of England note in consequence would have been one jot less secure than before? The fact was, that it was confidence which secured the convertibility of the note, and he believed that a limit of £16,000,000 or £17,000,000, or any other number of millions, would do no good whatever, and would land us in the same mess, with perhaps a worse chance of meeting it, than with this particular limit of £14,000,000. It was the having a limit at all which did the mischief. The Bank Directors declared in their evidence before a Committee of that House that they should have acted in precisely the same manner, and taken the same steps to arrest the drain of gold whether the Act was in operation or not, and that they should have raised the rate of discount, in which they would have done quite right, for it was impossible to keep up one uniform rate at all times. Why then, create these alarms by insisting on a limit? As to leaving this power in the hands of the Government, he was very glad to have the weight of the opinion of the hon. Member for Southampton (Mr. Weguelin), together with that of the right hon. Member for Oxford (Mr. Cardwell) on this subject. In the Committee the point was raised whether it would be desirable to leave the question of issue in the hands of the Government, whereupon Mr. Cardwell asked, "Either, therefore, a weak Government would yield, or if a strong Government resisted, it would incur a great amount of unpopularity?" To which the witness (Mr. Weguelin) replied,—"I think that would be the effect." He should like to know from hon. Gentlemen who sat on the Ministerial benches whether they thought the Government a "weak" one for having yielded in this instance? Now, however, that a double precedent had been established, the Government would never be without pressure. What was Mr. Hubbard's opinion as to the relaxing system? In his letter to the Chancellor of the Exchequer this gentleman observed—

"As limitation of credit paper is the very essence of the Act, and as limitation operates sensibly only under circumstances of pressure, it is obvious that to evade its stringency because a pressure is felt is simply to stultify the Act; while, again, to admit a provision for extending the credit issue, in the event of difficulties arising from any possible or prospective contingency, would be to encourage overtrading, and foster in the banking community an unwarrantable dependence upon the Bank of England, while they make immoderate engagements, and neglect to maintain an adequate reserve for their own protection."

Now what, as far as they could judge, had been the operation of the Act of 1844, keeping in mind the maxim, of which he was perfectly aware, that *post hoc* was not always *propter hoc?* Now, a very pertinent question was put in the Committee to the then Governor of the Bank by the right hon. Baronet the Member for Carlisle (Sir J. Graham). The question, too, was not put to the Governor alone, for close to him sat the Deputy-Governor, and the reply, therefore, might be regarded as possessing the combined authority of these Siamese twins, with a double head, a double body, but one voice. Sir James Graham asked, with reference to the bills brought to the Bank for discount,—"Your primary considerations, when paper is presented to you for discount, are the solvency of the parties, and the state of your bullion and reserve?" By putting this and other questions the right hon. Baronet thought he should elicit that the Bank Directors had some regard to the character of the paper

they were dealing with; but the Governor and Deputy Governor spoke out like men, and said, "We have no regard for anything of the sort. All we look to is—'*Rem, quocunque modo rem.*'" Their answer to the question he had quoted was, "Those are"—not the primary but—"the only considerations which affect our action." Now, Gurney's house did not seem quite so loose-waisted, but the old lady in Threadneedle Street appeared to have got into rather queer habits if the representation of what she did was a correct one. Mr. Chapman, the managing partner of Gurney's house, was asked the same question, and replied, "There is a certain description of paper which we won't touch; if we know it, we won't touch any rediscounted bills." [*See Dec.* 11.] He saw some hands held up in astonishment and denial. This was, however, in Mr. Chapman's evidence. Whether it was true or not he (Mr. Henley) could not tell. But he cared not whether it was true or false. It was perfectly clear from the upheld hands which he had just seen that there was a certain description of paper in the market, no matter who dealt in it. This consideration then, arose,—had the existence of this Bank restriction had anything to do with the creation of such a kind of banking "facilities," if they liked to call them so? Every one must see that since the passing of the present Act there had been a wonderful development of all these queer sorts of proceedings, and this very questionable paper. The veil which generally hid these transactions was now and then accidentally lifted up in our courts of justice, and that was all he knew on the subject; but he saw enough in this way to warrant him in asking whether the restriction which existed on the one hand, and the inflation prevailing on the other when the bullion flowed into the coffers of the Bank had had anything to do with the practices which had lately grown up? When the Directors of the Bank of England were obliged to exercise their own discretion such transactions as those to which he had been referring were unknown. He did not think that if, thirty years ago, a Governor and Deputy Governor of the Bank had been subjected to examination, they would have stated that they paid no regard to the character of the paper with which they dealt. He believed that at that time the Bank frequently exercised a very salutary check upon speculative transactions, and he had always felt that that portion of the existing law to which he had particularly alluded had been productive of consequences most prejudicial to the interests of the country. They had now what they called "slaughter houses;" they had unlicensed pawnbrokers; they had dealers in warrants; they had sellers and buyers of cargoes for arrival; none of whom were heard of some years ago. By such means as these the quieter traders of the country were actually "chawed up," they died away, and people shrugged their shoulders and said, "Oh, they can't keep pace with the times." The new mode of rediscounting had, however, been established, and they now saw men beginning upon a couple of thousand pounds, and presently failing for £300,000. Their affairs went into the hands of Mr. Coleman or somebody else. A long array of figures which scarcely anybody could understand appeared in the newspapers, and yet it was said that by means of the wonderful Act of 1844 any undue extension of credit and of speculation upon paper had been prevented. He questioned the accuracy of that assertion. The effect of the law had been to prevent the issue of a particular kind of paper called bank-notes, but he believed it had encouraged the use of many other "kites" which were ten thousand times more mischievous. He had gathered from the statement of the Chancellor of the Exchequer, that he thought it might be desirable that the Scotch circulation should be payable in Bank of England notes. He did not know whether he had correctly understood the right hon. Gentleman.

The CHANCELLOR of the EXCHEQUER said, he had suggested that, instead of a reserve of gold, Bank of England notes should be held.

Mr. HENLEY continued: The reserve of gold was only a security for the additional issue of paper based upon it, but if the Scotch bank-notes were to be paid by Bank of England notes, the difficulty now experienced with regard to English country bank-notes would simply be aggravated. So eager had Parliament been to have notes which should be always convertible, and so anxious to put a limit upon issue, that they had given to a favoured number of individuals, who happened at the time to have banks of issue, a monopoly of £8,000,000 of notes without their possessing one farthing of security in coin or anything else in their tills that the Legislature was aware of. It was at the same time provided that these country issues

should be paid by Bank of England notes, and the consequence was that the amount of £8,000,000 formed a portion of the aggregate circulation of the country. The addition of £8,000,000 to £20,000,000, showed an aggregate circulation of £28,000,000. But, under this wonderful machinery, the instant there was any pressure for gold they found, on the one hand, that the reserve of the Bank of England lessened exactly in proportion to the diminution of bullion; and on the other hand, the reserve notes of the Bank of England were drawn upon by the country bankers, who, if there was any alarm, must necessarily obtain some £2,000,000 at least in bank-notes to enable them to meet the demands of their customers. Therefore, in a kind of inverse proportion, the whole circulation was reduced; and that, he thought, was one of the great faults of the present law. He should be sorry to see the principle extended to the whole circulation of Scotland, for he did not understand the right hon. Gentleman to confine his proposition to that portion of notes which was issued in excess of the amount fixed. At the same time he should be glad to see the circulation of the whole kingdom put on the same footing; for at the present moment Scotland and Ireland stood on the footing of foreign States, so far as their currency was concerned.

LORD JOHN RUSSELL: Sir, whatever may be the opinions which are entertained in the Committee upon this difficult and much-debated subject, I think all hon. Members will agree that the Committee are very much indebted to my right hon. Friend the Chancellor of the Exchequer for the clear and able manner in which he has laid before us the present position of the question and the proposition of the Government. I am in the singular—I will not call it the unfortunate—position of being very well satisfied with what has been done, being very tolerably satisfied with the Act of 1844, and being entirely satisfied with the proposal for the appointment of a Committee which is to follow the proposition now under our consideration. I will say only one word with regard to the immediate question before the Committee, because I think both sides of the House are agreed that the measure taken by Her Majesty's Ministers was a right use of their discretion, that they have contributed to save the commercial credit of this country from very severe disasters, and that indemnity ought to be given by Parliament for any violation of the law which may have taken place. But, that question disposed of, the further questions naturally arise—whether the Act of 1844 was rightly suspended in 1847; whether it has been rightly suspended in 1857; whether it is the only law which ought to be maintained; whether, supposing it to be maintained, some very extensive alteration in its provisions may not be requisite; and, lastly, whether it is not necessary to give some dispensing power either to the Crown or to the Bank of England in order from time to time to suspend its operation. These questions are naturally raised by the state in which this subject comes before us. But I think that in discussing this question in this House, and still more in discussing it out of doors, Gentlemen fall into the error against which they were warned both by the Chancellor of the Exchequer and by my hon. Friend the Member for Kendal (Mr. Glyn)—namely, that of confounding the two very distinct matters of national currency and commercial credit. I believe the Act of 1844 was intended to secure our national currency from depreciation and from debasement, and that it has accomplished that end. But as to commercial credit, which some extravagant supporters of the Act of 1844 seemed to think was to be saved from all danger and all panic by that statute, it runs its own course, and all that any Act of Parliament can do is to endeavour, as far as possible, that the national currency may not be imperilled, or run the risk of being swept away by the torrents which occasionally desolate the field of commerce. With regard to national currency, I think every one must on a moment's reflection be satisfied with the Act of 1844 as a supplement to the Act of 1819. I remember perfectly well returning from the Low Countries in 1815 with a number of twenty-franc pieces, for every one of which I got a £1 Bank of England note. The Bank of England £1 note was then worth sixteen francs. Any one who goes now with a £1 bank-note will find that he can get twenty-five francs, or more for it in Paris than in London. Well, then, there is an end of that depreciation. That has been cured by the Acts of 1819 and 1844; and I do not think that at either of the periods of commercial panic, in 1847 or 1857, there has been the smallest doubt or question as to the convertibility of the bank-note. Every merchant and every individual in the

country felt satisfied that his £5 note would obtain for him its equivalent in gold; and therefore there has been no depreciation of the currency. The exchange, as my right hon. Friend says, has been corrected. But when we come to the other question of commercial credit, I think everybody who looks at the history of the country, even from a date no further back than the commencement of the present century, will see that there have always been these changes, first of the springing up and growth of trade, next of great prosperity, then of inflation, then of distress and distrust, and finally the bubble has burst and we have had to begin the cycle again. That was the case before the passing of the Act of 1844. I lament, I confess, to have heard so much blame cast upon that Act by so high an authority as the hon. Member for Kendal (Mr. Glyn). Does the hon. Gentleman recollect what occurred in 1825, long before the adoption of the Act of 1844? Seven hundred private country banks broke. There was the greatest distress throughout the kingdom; there was the greatest distrust of country bank paper; and a period of unexampled distress ensued. In 1847, again, the particular causes to which my hon. Friend alluded were in operation. There was a great demand for corn—a very natural and necessary demand indeed; but it occasioned a great exportation of specie. There were other speculations which contributed to produce distress, and another period of depression then ensued. We have had a recurrence of these events in 1857; and when the right hon. Gentleman opposite (Mr. Henley) reads a number of passages from the evidence of merchants and bank directors to show that trade is in a wholesome condition, he forgets that these only apply to the answers given at the time; because everybody, whether engaged in trade or otherwise, must know that revulsions, and very often sudden revulsions, take place in commerce, and that owing to some unlooked-for cause—perhaps the inflation of particular speculations—the country finds itself all at once involved in a state of uncertainty and distress, extending even to the most healthy portions of trading operations. Now let us look at what has been done with regard to the currency at these different periods; because, while I would wish to support the Act of 1844, and while I think that that Act has been very much overblamed, on the other hand it has also been greatly overpraised. I believe that it is an additional security—an improvement upon our former laws; but in the action of trade upon currency, and of currency upon trade, I don't think the course of things has very much varied since the passing of that law. In 1825 we had the testimony of Lord Ashburton in this House, who stated that the Governor and Deputy Governor of the Bank, Mr. Huskisson, and himself, met to consider what was to be done; that there was then a very small amount of gold in the Bank—perhaps some 100,000 sovereigns; and very great alarm prevailed. Whether it was "panic" or merely "alarm," and whether the one is a very sound feeling and the other very unsound, I don't pretend to decide. That appears to me to be more a question of philology than of finance. But, at all events, there was very serious apprehension, and, as I have said, these very able men, actively engaged in the business of the country, met to consider what was to be done. After some hours of consultation Lord Ashburton stated they were all agreed that, whatever might be the cause, relaxation and the expansion of credit, not further restriction, was the remedy required. They advised the Governor of the Bank to issue more paper. This was on the Saturday or Sunday. On Monday morning the Bank declared that they were ready to discount. Confidence was restored, and, so far from the Bank being drained of its last sovereign, its coffers were speedily replenished, Well, now that happened before the Act of 1844. In 1847, also, from causes which I will not again enumerate, there was a return of difficulty and alarm. The case was represented to my right hon. Friend the present First Lord of the Admiralty (Sir Charles Wood) and myself; and for several days we sat in anxious consultation on the state of affairs, advising with Mr. Cotton, the Governor of the Bank, the Directors, and other persons very competent to enlighten us on what occurred from day to day; and then, on our own responsibility—not at the request of the Bank any more than on the present occasion—not for the purpose of saving the national currency, which was not in any danger, but for the sake of the commercial credit of the nation—for the sake of many large firms which, though perfectly solvent themselves, were threatened by others—and for the great interests of the country, we resolved to recommend the Bank to issue bank-notes, if necessary,

beyond the limit imposed by law. I believe we were justified in that course; and if I remember rightly, the late Mr. Herries, then a Member of this House, moved a Resolution approving the conduct of the Government in that instance. Well, in 1857, the state of things described to us by the Chancellor of the Exchequer occurs. The Government meets, and the First Lord of the Treasury and the Chancellor of the Exchequer issue a similar letter. I am sorry to see that the effect is not so immediate as was that of our letter in 1847. It may have been that the disease had spread its roots deeper; it may have been owing to some other cause, existing, perhaps, in foreign countries; but, according to the highest authority, we have not yet recovered our former state of healthy trade and sound commercial credit. As far, however, as it has gone, that letter has been effective; it has saved many parties from ruin, it has saved the general interests of the country from great disaster. And, for my part, I hope, with my hon. Friend the Member for Kendal, that we shall never see a Minister of this country so infatuated in favour of an abstract principle, sound enough in itself, as to refuse in these cases of emergency to incur the responsibility of relaxing the Act of 1844, and thereby preventing what may be a fearful convulsion. But is it true that this Act, having been twice suspended, is altogether worthless, and ought to be replaced by some other system? I think I have shown you, that as far as the national currency is concerned, it is an Act which does not require to be amended. And with regard to commercial credit, I venture to say that no one authority that I have ever heard or read of has proposed a scheme by which you shall have a national currency fitted for all times of commercial distress and panic,—a scheme which shall preserve convertibility and yet be of sufficient force to prevent the effects—the most natural and inevitable effects—be it of over speculation, of excessive trade, or of the misfortune of the particular time. In order to show that I do not wish to cast blame upon those who, in some instances at least, have been unfortunate in these transactions, I cannot but call to mind a remark of Mr. Tierney, who, in allusion to one of these periods of commercial distress, said, "You may talk of wild speculation and rash trading, but the men accused of this rashness and wild speculation would, if they had succeeded, have been enterprising British merchants." It is very often the case that a few have pushed their credit too far, that circumstances have turned against them, that their failure leads to other failures, and thus great discredit is thrown upon the community, when perhaps but few—a very few—persons, are to blame. But, Sir, if there are any persons to blame for giving too great facilities to individual traders, whether connected with the Bank of England, the Western Bank of Scotland, or any other banking or commercial company, it seems to me that the appointment of a Committee is exactly the manner in which the Government ought to deal with this question. If such has been the case it cannot but be useful to the country to learn what errors have been committed, and to obtain some warning not to repeat them in the future. My right hon. Friend the Member for the University of Oxford (Mr. Gladstone), protests against the reappointment of the Committee to inquire into banking operations, but he says, that he should quite approve the appointment of a Committee to inquire into the causes of the commercial distress. I, Sir, am not very particular about the title of this Committee, or the exact form in which it is appointed. I am quite sure that if appointed as a Committee to inquire into banking operations, it would inquire into all the causes of commercial distress, and into the conduct of those who are carrying on the trade of the country. Besides, I am equally sure that if appointed to consider the causes of commercial distress, it would inquire into banking and the operation of the Act of 1844. It is impossible to bind down a Committee not to consider these two subjects together, and, therefore, I think it is quite right that it should be appointed in such terms as my right hon. Friend the Chancellor of the Exchequer shall think fit. Well then, Sir, with what view is this Committee to be appointed? The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) asked a question last night, which I think was quite right in spirit, but which he made rather more stringent than was necessary. He asked—"Is the Act of 1844 to be maintained? If it is to be maintained, why should you have the Act of Indemnity? If it is not to be maintained, let the Act of Indemnity be passed, and let the measures of Her Majesty's Government be produced." Now, Sir, I understand—I do not know that I correctly

understand, the intentions of the Government, but, as far as I understand them, it seems to me that they are prepared to stand by the general principles of the Act of 1844. If they were not prepared to stand by those general principles—if they intended to throw the whole question of the currency loose before the Committee—if we were to have the plan of the hon. Member for North Warwickshire (Mr. Spooner), which seems to me, if not so dangerous as I have apprehended, yet—I will not use an unusual phrase—more unreasonable than I had expected—if we were to have our currency divided into two parts, one of which is to rest on the security of the three per cents, and the other upon gold, and if we were to have other projects of that kind coming out of the Committee—then I should say that its appointment by the Government would be a very unadvisable step. But if we are to have a Committee, which shall keep in view the principles of the Act of 1844, and seeing whether that Act should be either amended or in any way expanded, I think that is very fair question to be laid before a Committee, and that it would be more prudent on the part of the Government to say that when the evidence taken by that Committee is before us, and not till then, will they tell the House at what conclusions they have arrived with regard to amendments in harmony with the spirit of the Act, but making its provisions still more effective. Various ways are suggested in which that Act might be amended. There is one to which the Chancellor of the Exchequer alluded, and with regard to which I do not quite agree with him, although I confess that there is some reason in what he says concerning it. He says that if you give to the Government or to the Bank a discretionary power of relaxing this Act from time to time, you will not make much practical alteration, but you will raise a constitutional question whether or not it is right to give such a power by Act of Parliament. Now, I beg pardon of my right hon. Friend, but I think you raise not only a great constitutional but a great practical question besides; because, while I should be very unwilling to give to Ministers this power of dispensing with an Act of Parliament on constitutional grounds, I think that there are moral reasons and reasons of practical utility which are still more forcible against the adoption of such a course. I feel convinced that if the Minister and the Bank of England, or the Bank of England alone, had this power, we should have these occurrences more frequently than after a lapse of ten years; besides it would give great encouragement to wild and unsound speculation. Every one would then say, "We can go to the Government and tell them that they have got the power, and that this is the very case in which it was intended that they should exercise it;" whereas it is now a great inconvenience and a great responsibility for a Minister to say, "I think this Act is at present so obnoxious to the community that I will undertake to suspend it and will immediately call Parliament together to lay my conduct before it." I think that that is a considerable check upon the conduct of the Minister, and therefore also upon those speculators who would wish for the frequent suspension of this Act. Let us see what has happened with regard to the Act. In 1844 it was enacted; in 1847 it was suspended for a time. That occurred only three years after it was passed, and I think men might then reasonably say that an Act which within three years was found to be unavailing and had broken down ought not to remain upon the Statute-book. But since 1847 we have for ten years had a sound state of the currency; we have had no complaints of the working of the Act; and it may be five years, or it may be twenty, before there is another occurrence similar to that which we are now considering. I would therefore leave the future to the future. I would allow it to be decided by experience whether or not another ten years may not elapse without the adoption of such a course, and, if the inconvenience is then no greater than has been sustained in 1847 and 1857, I should think that there would be reason not for repealing, but for maintaining the Act. For, considering that your primary object is to maintain a national currency convertible into gold, and that your next object is as far as possible, without endangering that currency, to give help in times of commercial distress and disaster, I think that an Act which performs those functions as they have been performed by the Act of 1844 in 1847 and in the present year is one which deserves to be supported. My hon. Friend the Member for Kendal (Mr. Glyn) says that when distrust begins the sight of the Bank returns aggravates the alarm. That may be so, but is that the working of the Act of 1844? I remember before the passing of that Act asking a friend of mine who was very well

conversant with these subjects, the late Lord Sydenham, what ought to be done if we had a commercial crisis and a state of discredit. He said, "Let the Bank go on and pay to its last guinea." But would not that be a time of distrust and distress? Suppose that you had the Act of 1819 alone, without that of 1844, and there came a time at which the reserve of bullion in the Bank was reduced to £1,000,000, to £500,000, to £100,000—would not that produce great alarm? Would there not be people as anxious to obtain gold as they now are to obtain bank-notes? Would there not be the same discredit and distrust as now exist? Therefore, as I believe, it is not the Act of 1844, it is the very nature of a currency convertible into gold, operating with a diminution of commercial credit and the spread of alarm, which produces that state of things to which my hon. Friend referred. If that be so, let us see what is the actual working of this Act. It is, I confess, not that which you would expect upon the face of the measure. The Act says that there are £14,500,000 which the Bank may always issue, but that any notes issued beyond that amount must be the representatives of gold and silver bullion in its cellars. If that were literally carried into effect when the Bank had £16,000,000 of bullion it would issue £30,000,000 of bank-notes; when it had £7,000,000 it would issue £21,000,000. But that is not the operation of the Act, because we all know that there is no such demand for notes as to induce the Bank to go beyond some £22,000,000 or £23,000,000, and we know also that it is quite impossible for them to go on issuing notes with safety to the extent of £7,000,000 when there is only that amount of bullion in reserve. Immediately that the reserve of bank-notes is reduced to £1,000,000 or £1,500,000, still more when it is reduced to less, then comes that desire to obtain bank-notes which the Chancellor of the Exchequer has described. Every one sees that the reserve of notes will soon be exhausted and makes a rush to obtain what proportion he wants, and thus the Bank becomes endangered long before the notes representing £7,000,000 of gold are actually issued. The Act of 1844, therefore, is more restrictive than appears on the face of it. It hardly allows the issue of £14,500,000 and the whole stock of bullion to be represented: there must be a reserve of notes in order that the Bank may be at all secure. The question may fairly be discussed, whether any change should be made in that respect. I doubt the utility of any change; but of this I am quite sure, that if it should appear to a Select Committee that a change might safely and beneficially be made, it ought to be made by Act of Parliament, and not by giving any discretion either to the Minister of the day or to the Bank of England. It should be plainly laid down in your Act what further relaxation might be allowed. I believe myself that the Act of 1844 has tended to secure the currency, and has not tended to aggravate commercial distress. We have heard with some apprehension the views entertained by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley). He complains that the Act of 1844 has encouraged the great evil of over-speculation, and has led to the circulation of a great deal of worthless commercial paper in the country. Now, that I consider is a somewhat inconsistent complaint, and the right hon. Gentleman proposes accordingly a somewhat inconsistent remedy, because he says there should be no limit to the issue of paper by the Bank. He complains of the limit: but I wish to know from him and from the other Gentlemen who denounce the Act of 1844, what is the real extent of their demands? Are they satisfied or are they not with the Act of 1819? Are they satisfied or are they not that notes should always be convertible into gold? Are they satisfied with the standard of the currency as laid down in ancient times, and as affirmed soon after the Revolution, and again in still more recent times by Lord Althorp when he was Chancellor of the Exchequer? When these Gentlemen complain of the special provisions of the Act of 1844, do they not, in fact, mean a great deal more? Do they not want us to adopt a paper currency which shall not be convertible into gold? Do they not really mean that there shall be an issue which shall not be founded upon bullion, but which shall be so extensive, so expansive, that it must necessarily become greatly depreciated in value, requiring for the safety of its credit the application of a Bank Restriction Act? If that be their intention, let them plainly declare it. Do not let them complain of the special provisions of the Act of 1844, but let them tell us whether they mean to maintain the currency in its integrity. We shall then know how to meet such a proposition. Such views are not openly avowed in this

Lord John Russell

House, but they have been openly avowed in some recent meetings; and in one meeting especially which took place in Glasgow it was stated without disguise that your paper currency should be commensurate with the demands of trade, and that if trade was not satisfied with a certain amount of currency, more currency —that is to say, more paper—must be issued. Is it intended, I ask, that there should be any basis for this currency, or is it to be mere worthless paper producing periodical convulsions worse than any we have heretofore witnessed? In defending the Act of 1844, in admitting that there may be some alterations in its principles, but maintaining that there ought to be none in its provisions, I think I am in fact standing upon the Act of 1819 and the laws which regulate our currency. I believe that those evils from which we have lately suffered, and from which we are still suffering, are incidental to a very great and extended commerce. We all know that the laws passed of late years, beginning in 1842 and ending with the repeal of the Navigation Act in 1848, have tended greatly to increase the trade of the country; and we know also that while increasing legitimate trade, while making many men wealthy and giving general prosperity to the country, they have, on the other hand, produced at the same time the concomitant evils of unsound speculation, rash adventures by men without capital, and bubble companies eager to share in the riches of the world. We are a great commercial country, prosperous beyond any that ever existed on the face of the globe. But we must not expect too much. We must not calculate on that security which may be found in a Swiss canton with a small commerce. To those who thought they could have the advantages of a great commerce without some of its accompanying disadvantages, I would only say, *Non est mortale quod optas.* That is the warning given to those who soar beyond hope; and rightly given to those who wield human destinies and conduct human affairs. I believe that the general principle on which the Act of 1844 is founded is the right principle, and the one on which we ought to proceed. I believe the Government on this occasion pursued a course which entitles them to the gratitude of the country. I wish nothing to be altered in the general law, and I hope this House, at all events, will not tamper with the great principles of a sound currency.

Mr. DISRAELI: Sir, I think that the great difficulties which attend the discussion of this subject are sufficient without the vague declamation which has occasionally been indulged in upon both sides of the House, and, I am sorry to say, the noble Lord who has just spoken is no exception to that remark, although I admit that many of his observations, like much that falls from his lips, were worthy of our serious attention. Now, Sir, what are we asked to do to-night? It is no ordinary demand that is made upon the House of Commons. We are asked to consent to a Bill of indemnity for an infraction of the law, authorised by the Government in consequence of the commercial distress and distrust that have prevailed, and that unfortunately still prevail. We have heard a great deal of Committees upon commercial distress being advisable. Permit me, though very briefly, to offer some suggestions as to what may be the causes of the present commercial distress and distrust. The distress is general. It is not confined to this country, although here it is extensive. All know that it prevails in the United States. But it is not peculiar to the United States, as some hon. Gentlemen who have addressed you would seem to infer. It is European. Its influence is felt in Germany, in Austria, in Prussia, in Denmark, in Sweden, and what is occurring in Hamburg at this moment must be fresh in the recollection and the fears of many Members of this House. Do not let us forget that the commercial transactions of Europe are carried on by an amount of capital that is not to be counted by millions, but by hundreds of millions. It is, therefore, a great error — and here I entirely agree with the noble Lord the Member for the City—to suppose that the management of a limited portion of the currency of England could have occasioned this immense disaster, and given rise to these wide-spread consequences, which really have originated, not from the mismanagement of the currency of this country, but from the mismanagement of the capital of Europe. Now, there is one important point which we must bear in mind in considering the Act of 1844. That Act is an Act to regulate the currency of this country. The purpose of it is in my mind irreproachable. Its object is one which every man ought to wish to secure. But is it or is it not the fact that this Act, which really is intended only to regulate the cur-

rency of this country, to establish and maintain the convertibility of the notes of the Bank of England, has nevertheless the effect—as I believe, the unintended effect—of greatly aggravating commercial distress and distrust when they are occasioned by the misapplication and mismanagement, not of the currency of England, but of the general capital of the world? Now, I apprehend that that point has never been met to-night, and yet it is a position which can be fully established. It can be shown that it is in consequence of the machinery of the Act of 1844, intended merely as a currency Act, and to have a limited application, that the managers of the currency of this country have been forced to treat in an identical manner and by the same means two circumstances totally opposite in their character, and both exercising a most powerful and injurious influence on the commerce and capital of this country—that is, a foreign drain and a domestic drain. I say that the Act of 1844, from the manner in which it is framed, forces those who regulate the currency of this country to apply to a domestic drain exactly the same treatment which is applied to a foreign drain; while, if there is anything which can be established by argument and an appeal to facts, it is that the two sets of circumstances should be treated in an exactly contrary manner, and be encountered by means exactly opposite. If that point be established, and if that be a sound position, then surely we may fairly consider a question of that kind without being accused by the noble Lord of wishing to tamper with the standard of value, to inundate the country with paper money, or of desiring to recur to obsolete modes of practice. The noble Lord has made a strong appeal to-night to the disastrous year of 1825, when he informed us that 700 banks were broken, and in the same morning, I believe. The noble Lord was not then Prime Minister of this country, and though no man is better acquainted with its history than the noble Lord, yet I think that on this occasion he has trusted too carelessly to his memory; for at that disastrous period, if my recollection be not at fault, not 700 country banks, but 73 banks altogether, in London and in the country, broke, and by no means were the majority of these banks of issue. Therefore I do not think that that illustrative warning bears very much on the question of this evening. But this year 1825—that phantom of ancient disaster constantly raised in our debates—has really very little to do with the modern principles of banking, and the means by which the currency of this country is now carried on. It is very easy to abuse the Bank Directors of that day for what occurred, but we must remember that in 1825 it was quite impossible for the Directors of the Bank of England to avail themselves of the resources now at their disposal to guard their reserve by raising the rate of discount. In 1825 the usury laws prevailed, and it was impossible for the Bank then to have a higher rate of discount than 5 per cent. Therefore in referring to the year 1825 the noble Lord refers to circumstances which no longer prevail in our laws and manners, and I protest against the introduction of the year 1825 for the future in any currency debate. Now, to the point before us. We are in a state of great commercial distress and distrust. I entirely agree with the noble Lord on this head, that to suppose that the great commercial distress which now prevails could have been occasioned by the mismanagement of the currency of this or any other country is like supposing that a great nobleman could be ruined by the mismanagement of his pocket-money. The fact is, we are mistaking, and have for a long time too easily mistaken, in all these discussions, capital for currency. But though this state of commercial distress and distrust is entirely occasioned by the mismanagement and application in this country, in America, and in the European nations, of the great mass of floating capital which prevails, still, at the same time, we cannot conceal from ourselves that we have a law in this country intended only to act on our currency, and which, so far as the principle it asserts is concerned, I hope the vast majority of this House will maintain, but which, whenever commercial distress and distrust occur, is found entirely unendurable, oppressive, and impracticable, and on every occasion of emergency, we are obliged altogether to suspend it. The noble Lord who has just addressed the House, and who has addressed it with peculiar authority on this subject, since he was the very first Minister who recommended the violation of the statute, has referred to the two occasions in a brief space of time when this Act was suspended; but, if he would refresh his recollection from the evidence taken before the Committee of last year, to which constant reference has been made

during this debate, he will find that practically, or virtually at least, the suspension of this Act is not to be confined to those two instances, memorable as they are; because in the autumn of 1856 there was a very great pressure, and the precious metals were leaving this country—one of the causes, by the bye, of our present embarrassment, and consequent on the expenditure for the Russian war—the pressure on the money-market was extreme; the rate of discount was raised—and wisely raised—by the Directors of the Bank of England, and by the prudent and courageous manner in which in that instance, as subsequently, they managed their affairs, the danger for the moment was averted. But we have the evidence of Mr. Chapman, no inconsiderable testimony, as all acquainted with the subject will admit. Well, he by whom the force of a money-pressure is always felt, who represents the greatest discount house in Lombard Street, says that had it not been for some private information which reached him to the effect that in case of extremity there would be an interference on the part of the Government, he should at that moment have given up the idea of struggling against the pressure any further, and it was only on that tacit understanding that he went on with his business, and eventually surmounted the difficulties of the period. Remember who gave that evidence. He is the very individual whose representations, if I am rightly informed, in 1857 as well as in 1847, induced the Minister of this country to recommend the suspension of this Act. The question naturally arises, what is the effect of allowing the currency of this country to be regulated by an Act which we are in a continual state of being prepared to suspend? So entirely do I admire the object of that Act, so anxious am I myself to hope that a large majority of this House is prepared to uphold the practical and virtual convertibility of the note, that I should be most anxious to interpret the machinery of the Act in a manner the most favourable to its continuance, and to the non-necessity of alteration. I would pass over one crisis, in which its provisions had been suspended, with what I should consider a wise indulgence, but it becomes the Committee deeply to consider whether it will sanction a chronic state of suspension—whether we are to have a law of such a character that those who are acting under it know that when an emergency arises it will not be enforced. Is that wise? "But," says the noble Lord, "on the whole that is the course I recommend." The noble Lord loves a precedent. He set a precedent in this instance himself, and I can easily understand the tender regret with which the noble Lord would witness that we had departed at any time from that precedent, and, as it were, passed some censure, mild, I am sure, on the sagacity of his conduct in 1847. But the noble Lord says that this Act is a considerable check on what he calls over-speculation and an inflated currency, which in times of prosperity abound. I am sorry to hear from the noble Lord that our periods of prosperity are always necessarily to be accompanied by such circumstances, but when the noble Lord so fairly tells us what are the consequences of inflated circulation —when he tells us that, unless we have these considerable checks, the currency will be greatly increased—there will be no check on the issues of the Bank—a crisis will arise, and there will, in fact, be no standard of value, I may be permitted to say to the noble Lord with all respect, that though these were opinions once held by persons of considerable reputation, and for aught I know may be still adhered to by persons of no mean repute, yet they are conclusions the authenticity of which is entirely impugned by authorities of a more novel nature than perhaps the noble Lord may be aware of, but of no less high a character than any to which the noble Lord could appeal. Many high authorities have held in opposition to those opinions which the noble Lord has so freely circulated and enunciated to-night, as if they were open to no controversy—many high authorities have held that the depreciation of a bank-note convertible at par is a simple impossibility, that it is quite out of the power of any bank to issue beyond the requirements of the country, and that no issue of bank-notes at any time has affected the prices of commodities. Nay, more, that we have conclusive evidence in our possession of the reverse. Now really, Sir, under these circumstances I must protest against the noble Lord so freely, and in that style of declamation which he can command even upon a currency question, lending his authority to a principle which I believe to be quite fallacious, and to conclusions which I believe he will find himself totally unable to substantiate. But, says

the noble Lord, "this Act is a check upon the over-speculation of the day, and although there may be some objection to the mode in which its suspension is occasionally enforced, still the benefit which results from the law is indubitable." But when the noble Lord talks of this Act operating generally as a beneficial check, while the Government may at their discretion violate its provisions, let me ask the House to consider one point which I think has not been sufficiently taken into consideration during the course of this debate. If the House be prepared to sanction the exercise of this dispensing power at the arbitrary will of the Minister of the day, how does it propose to reconcile the difference of position between those firms who fall victims before the dispensing power is exercised and those, who, holding on a favoured twenty-four hours, struck upon the clock of the Royal Exchange of London, are enabled to dominate over those with whom they ought to be fellow-victims? Let me remind the House that when we discuss this question and perhaps discuss it in too easy a manner as respects the feelings of those who have fallen, it might perhaps be as well to go a little into detail, for it is only through detail that the house can realise some idea of the consequences of this fear and distrust in London and the other great marts of commercial enterprise. Now, Sir, here is a document with which I have been furnished, and I will answer for its being correct and accurate, although I cannot answer for its being complete, because there are the names of many victims with regard to whom the amounts for which they have fallen have not yet been ascertained; but here is a document of desolation in my hand, the contents of which I think will surprise even those hon. Gentlemen connected with the commerce and monetary transactions of the country who have addressed us to-night. It is a return of the number of firms which have fallen between the 7th of September and the 12th of November, a period of little more than two months, and among those firms there are some of no inconsiderable importance, and some which ranked, as far as capital can be a test of position, in the highest class in mercantile repute. In that brief period I find that no less than 85 firms have fallen, with liabilities which represent a capital of £42,000,000 sterling, and with the exception of firms representing £8,000,000, those mercantile establishments fell before the letter of November, some of them a few days, even hours, before that letter. Now if we are to leave the law in this state, I really think that it becomes us calmly, but earnestly and seriously, to consider the relations of the Administration of this country to those who conduct its commerce. I have heard statesmen to-night, and among them the noble Lord the Member for London, who do not shrink from the responsibility of exercising this dispensing power. I must say that the right hon. Gentleman the Chancellor of the Exchequer showed more modesty and displayed his reluctance to exercise such a responsibility, by intimating the possibility upon his part of making some suggestion which would avoid a responsibility so terrible. A man must have great confidence in himself, in his position, and in his character, who, under circumstances such as I have described, when 85 firms representing a capital of £40,000,000 had fallen within so short a period, would, as a Minister of the Crown have no reluctance in deciding when to interfere. I am deeply conscious that every English statesman is sincerely anxious to do his duty to his country, and I can readily conceive the terrible anxiety with which a Minister under such circumstances might consult some eminent capitalist, perhaps sitting behind him and one of his principal supporters, one whose mercantile knowledge and intelligence and valuable advice had been of great assistance, I won't say in preparing a Budget, but in furnishing details for the assistance of a Minister in framing his financial scheme. I can assure hon. Gentlemen, I am making no personal allusion — my remarks will apply equally to those who sit on either side of the House—I am only supposing the cruel, the terrible position in which an English Minister may find himself placed. Well, then, suppose the Minister to consult such an individual. It may be of the utmost importance to a man engaged in commercial pursuits that the suspending power should be delayed for 24 hours, or precipitated by that period. It may destroy a rival. It may save himself. The consequences of such a course I need not dwell upon. Such a case may not happen, but would it be wise in us quietly to sanction a law which might under any circumstances, lead to such consequences? I am sure that the House will reflect deeply upon the difficulty which now

surrounds us, that they will recollect the contents of the startling document to which I have alluded, and that they will feel that it is no child's play to bear responsibility upon such a subject—a subject which I say is the last with regard to which the responsibility of a Minister of the Crown ought to be exercised. It is a responsibility almost beyond the endurance of any individual, and one which is totally alien to the character of the constitution of this country. You have thought a dispensing power with regard to civil and political rights intolerable, and you have changed a dynasty rather than submit to it, and are you prepared now to extend to a Minister such a power with regard to a subject which in this country touches you, perhaps, more nearly than either civil or political rights? Where commercial and monetary interests are concerned, are you prepared to submit quietly to a dispensing power, exercised arbitrarily at the discretion of the Minister, the exercise of which, even when most virtuously employed, may be unjust in its application and ruinous in its results? I think, therefore, that it is most desirable that we should take some course to prevent a repetition of the letters of 1847 and 1857, and of that threatened suspension of 1856 to which reference is made in the evidence taken before our own Committee. I think that the time has arrived in which we ought to exert ourselves to solve a difficulty which may be great, but one which we ought not to evade, but endeavour to surmount, and I regret that I see no disposition on the part of the Government to undertake the task. That such appears the case I regret the more because I think that all that has been said upon the subject during the present Session might have tended to prove to Her Majesty's Ministers that there was every wish to assist them to a solution of the difficulty which would redound to their honour to surmount. We are to-night asked to agree to a Bill of indemnity for an act which the Government have recommended; now, I said yesterday, perhaps rather inadvertently, that my consent to that Bill would depend upon the line taken by the Government with respect to the Act itself. I forgot that the Bill was not a Bill of indemnity for Ministers alone, but also an indemnity for the Bank Directors. Now, I don't think that any one can for one moment impugn the conduct of the Bank Directors. There is no evidence before us that the Bank Directors required this interference; and in 1847, not only did they not solicit the Government for a suspension of the Act; on the contrary, they did not avail themselves of its suspension, but disapproved the course which had been adopted, and were prepared to assert not only the convertibility of the note, but even guard their deposits. I have reason to believe that in the present instance the Directors of the Bank have acted in the same magnanimous spirit; and if, at the suggestion of the Government, they have consented to take an illegal step, I think, whatever may be our differences of opinion on the general subject, it would be cowardly and vindictive to throw any obstacle in the way of their indemnity; nor am I in a disposition, when I have conceded so much, to make a distinction between the Bank Directors and Her Majesty's Ministers. So far, therefore, as the Bill of indemnity is asked, I am prepared to accede to the request of the Government, but further than that I cannot afford my consent. I think the Government have taken an erroneous step, notwithstanding the high authority just expressed in their favour by the noble Lord, in recommending that the House should again appoint the Committee to consider this question and these circumstances. I must repeat what I attempted to express last night—my belief that there is no subject which can solicit the attention and consideration of public men, on which there exists even such a surplusage of knowledge and information as upon the principles on which the currency of this country should be established, and on which it has of late years been carried on, and that any attempt to postpone the solution of the grave difficulties which surround it by further inquiry will lead to great public inconvenience, possibly to great public disaster. I think we ought to show no hesitation in meeting those difficulties, that we ought to give our best consideration not only to the passing, but the immediate passing, of some measure which will prevent the future necessity of appealing to this House for Bills of Indemnity to Her Majesty's Ministers. I have endeavoured to call the attention of the House to what I think the vital point in this Bill which requires our consideration. I am for supporting the spirit of the Bill so far as it maintains the convertibility of the notes which the Bank issues. I

would do that completely, sincerely, and in no spirit of equivocation ; but believing as I do that the law by its enactments forcing the Bank to treat a foreign and a domestic drain by the same means, not only occasions but aggravates distress and distrust among the commercial classes of this country, I think we should endeavour to meet that difficulty by remodelling the law in that respect. Let the House realise to itself one great difference between a domestic and a foreign drain. With a foreign drain we have learnt, from experience, efficiently to cope. We have never had a greater strain upon the resources of our country from the effects of a foreign drain than we have experienced of late years. We may have had a more sudden pressure, but never have we had such a continuous pressure from a foreign drain as during the last two years and a quarter. And yet that powerful arm which our emancipation from the usury laws places in the hands of the Bank of England enables us to cope with it triumphantly under the most menacing circumstances to the public fortunes ; and I do not think there is a man who now fears any ulterior disastrous consequences from a foreign drain. But remember, that a foreign drain is a very unimpassioned calculating transaction that is founded upon a knowledge of our resources and a comparison of our own necessities with the necessities of those countries that require our aid ; it is a mere matter of pounds, shillings, and pence ; and, however inexorable may be the demand, it is regulated by the principles of reason and calculation. But the moment you have a domestic drain all the elements of the struggle become of quite a different character. Moral qualities, as well as material ones, enter into the nature of a domestic drain. Hope and fear govern mankind : the mart, and the manufactory are not exempt from these passions ; when a whole nation is panic-struck, public terror cannot be controlled by an Act of Parliament or by the application of the most severe economic science. Now the existing law is deficient in this respect, and it is the duty of Parliament to remedy that deficiency. I hope that Parliament will take some step in this matter, but I do not believe there is any chance of an efficient remedy being obtained if you now consent to the course that has been suggested by Her Majesty's Ministers. In 1840 the whole question of banks of issue was gone into by a Committee which, whether we look to the reputation of the members who formed it, or the high character of the witnesses called before it, produced a volume inferior in interest to none in this House. In 1847, after the disastrous panic of that year, you had a Committee to inquire into the same subject and into the operation of this very Act of 1844. At the beginning of this year a third Committee was appointed, and its transactions are before you in two folios. What more can you want? All the most distinguished writers of the day on public and political economy have favoured the country with their speculations on this subject. No new idea has been thrown out since the question was last before the country, and even if any new views had been started, they would have been exhausted by the Committee of this year. The time has come when we must call upon the Government to settle this question. What is the use of a Government if it cannot settle this question? What is the use of a House of Commons if it cannot—I will not say force the Government, but if it cannot animate and inspire the Government to settle this question? There are some men who think that Members of Parliament are only made to form Parliamentary Committees ; but it is only a preparatory, though a very useful, process to accumulate intelligence in that way, to pursue research and to sift evidence. There is something higher and more necessary ; and that something higher is, to recommend a policy. I think the time has come when we ought to recommend a policy ; and, therefore, I wish to come to a clear understanding with the Chancellor of the Exchequer, and to consult his convenience and that of the House. The right hon. Gentleman wishes that there should be no great delay in passing the Indemnity Bill. I would meet him in a frank and a friendly spirit, and I hope the right hon. Gentleman will not prove by his conduct, if we give him his Bill of indemnity, that that is the only object for which Parliament was called together. If I were to take advantage of the various stages of the Bill of Indemnity, I might have availed myself of opportunities to take the opinion of this House with respect to the different opinions to which I have referred. But that would be an ungracious mode of trying the question, and I do not wish unnecessarily to adopt an ungracious mode. The right hon. Gentleman has a Motion

on the paper for a Committee. If he would only settle with me the night on which to take that Motion for a Committee I would move to that Motion an Amendmend the purport of which would be, without, of course, pledging myself at this moment to its exact phraseology, to express the opinion of the House that it is expedient to legislate on the subject, and not to refer it to a Select Committee. If the right hon. Gentleman will say this day week for his Committee, I will assist him to the best of my power in carrying his Bill; and on this day week, if he will move the Committee, I will endeavour, with that temperateness which the subject demands, to ask the House to consider whether, under all the circumstances of the case, it is expedient that this question should be referred to a Select Committee, and whether it is not wiser to proceed at once to legislate on the subject.

THE CHANCELLOR OF THE EXCHEQUER said, he could not but acknowledge the fairness with which the right hon. Gentleman had treated this subject, and the disposition he had shown to facilitate the business before the House. Undoubtedly, the passing of the Indemnity Bill was the main object for which Parliament had been assembled at this time, and formed the principal business which the Government wished to forward. If the House consented to allow the Bill to be introduced that evening, he would propose the second reading for Monday, and would bring forward his Motion for a Committee on Friday. He hoped that arrangement would suit the convenience of the House. Perhaps he would be permitted to refer for a moment to a question of fact which had been adverted to by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), and also by the right hon. Gentleman opposite (Mr. Disraeli). He alluded to the statement made before the Committee of last Session by Mr. Chapman, the managing member of the house of Overend and Gurney. At the present moment he had not the Report of the Committee before him, and therefore he quoted from memory; but his recollection of the evidence given by Mr. Chapman was, that on some occasion he had received an assurance from a gentleman on whom he placed reliance that in the event of their house discounting to a large amount they might rely on the support of the Government. A question was put as to the authority on which that statement was made, and he did not assert that he had received any direct communication from the Government. It was possible that his (the Chancellor of the Exchequer's) recollection might not be very precise as to the words used; but, be that as it might, he thought it right to state that no such communication as Mr. Chapman mentioned was ever made by the present Government either to the house of Overend and Gurney or to any other similar discounting house whatever. He wished to assure the House in the broadest terms that could be used that the statement of Mr. Chapman, and the impression of the person to whom he referred, had no authority from the Government, and must have originated in an entire misapprehension.

MR. CARDWELL said, the arrangement proposed by the right hon. Gentleman the Chancellor of the Exchequer led to the inference that the remainder of the discussion of the great question before them would be taken rather on the Motion for a Committee than on the Bill which was about to be introduced. He acquiesced in the wisdom of that arrangement, and would reserve any observations he had to make till Friday next.

Resolution *agreed to.*

House resumed. Leave given.

Bill *ordered* to be brought in by the CHANCELLOR of the EXCHEQUER.

Bill read 1°, and ordered to be read a second time on *Monday* next.

House adjourned at a quarter to Twelve o'clock.

HOUSE OF LORDS,

Monday, December 7, 1857.

MINUTES.] *Took the Oaths.*—The Lord Audley.

SALE OF OBSCENE BOOKS, &c. PREVENTION BILL.

RETURN MOVED FOR.

LORD CAMPBELL reminded the House that a Bill, introduced by himself, for the purpose of checking the circulation of obscene publications and prints, passed the Legislature during the last Session and became the law of the land. It was thought that that Act would lead to dangerous consequences, and he was therefore about to move for a Return to show what had been done under its operation up to the present time. He was assured that it had operated most beneficially. He

was told that informations had been laid against dealers of the publications in question in Holywell Street; that warrants had been granted and searches made; and that large quantities of these abominable commodities had been found, and the parties owning them summoned before the magistrates. This siege of Holywell Street might be compared to the siege of Delhi. The place was not taken in a day, but repeated assaults were necessary, and at last he was told, it was now in the quiet possession of the law, for the shops where these abominations were found had been shut up, and the rest of the houses were now conducted in a manner free from exception. He believed that the apprehensions expressed in certain quarters as to the probable effect of the Act in one respect had not been realised, for as yet no repertory of the fine arts had been disturbed. With the view of testing the accuracy of his information he moved for a—

Return of the Informations laid under the Act 20th and 21st Vict. Cap. 83, "for more effectually preventing the Sale of Obscene Books, Pictures, Prints, and other Articles," the Warrants issued thereupon, and the Result of the Proceedings in each Case.

THE EARL OF ELLENBOROUGH hoped his noble and learned Friend did not move for this Return with the view of bringing any of the publications in question before their Lordships.

LORD CAMPBELL said, his noble Friend's modesty need not be at all alarmed, for his Return would be only of the general character he had indicated.

Motion *agreed to.*

THE QUEEN'S ANSWER TO THE ADDRESS.

THE LORD STEWARD OF THE HOUSEHOLD (The Earl of ST. GERMANS) brought up the following gracious Message from Her Majesty in answer to the Address:—

"MY LORDS,

"I thank you for your loyal and dutiful Address.

"You may be assured of My cordial Cooperation in Measures calculated to increase the Security of all Parts of this Empire, to improve the Institutions of the Country, and to promote the Welfare and Prosperity of all Classes of My Subjects."

Lord Campbell

THE DEBATE ON THE ADDRESS.

MAJOR-GENERAL HEARSEY—EXPLANATION.

EARL GRANVILLE: I am desirous, my Lords, of making some explanation with regard to the contradictions which I felt it to be my duty to offer to certain statements of the noble Earl opposite (the Earl of Derby) during the debate on Thursday night. The noble Earl stated that Major-General Hearsey had been reprimanded by the Governor-General for having promoted a Sepoy to the rank of havildar on account of his gallant conduct at the outbreak of the mutiny. I had read all the papers relating to the subject, and my impression—an impression confirmed by several noble Friends near me—was that no such reprimand had been given, and I accordingly stated that impression. Since then I find, on referring to the blue-book, that there are certain orders and regulations in existence which, whether right or wrong, limit the powers of officers commanding troops in the field, which orders did not originate with Lord Canning, and consequently with the right or wrong of which he had nothing to do. I find that Lord Canning, in answer to the despatch of General Hearsey referring to the promotion of this Sepoy, said, that he considered General Hearsey had no authority to make any promotions under the existing regulations; but his Lordship added that, as the promotion in this case had been announced, and was in his opinion richly deserved, he begged to submit to the Council that it should be confirmed. It appears to me that if the noble Earl had read the blue-books, instead of a certain red pamphlet, he would have seen that the intimation to General Hearsey could not be considered a reprimand, but that, on the contrary, the act of General Hearsey had been confirmed. The other statement of the noble Earl to which I wish to direct the attention of your Lordships is one with reference to the conduct of the President of the Board of Control. The noble Earl on Thursday night said—and I am now quoting from the report contained in *The Times*—

"Really, my Lords, what I am going to say sounds so incredible that it is difficult to believe it, and I ask to be contradicted by the Government if they are able to contradict me, but should they do so I promise to bring forward incontrovertible evidence to prove it. Some considerable time after the arrangements to which I have referred the right hon. Gentleman

the President of the Board of Control somewhat surprised the agent of the Peninsular and Oriental Company by a letter, in which he asked him if some plan could not be arranged by which troops which could be sent to India by means of the steamers of the company. Well, my Lords, the gentleman to whom the letter was addressed read it over, and then examined the seal and scrutinized the signature to see if it could possibly be a hoax, but finding that it was a genuine production he wrote back to say, 'You ask if it can be done; why, it is being done and has been done for a considerable time, under the authority of the Government.' I ask your Lordships if it is not inconceivable that the President of the Board of Control, himself a Member of the Cabinet, should write and ask if it was possible to organize a scheme when that scheme had been in full operation for a considerable period under the sanction of the Government?"

I said at the time that I believed the assertion to be without foundation. I have since made inquiries in reference to that subject, and all I have to say now, is that Mr. Vernon Smith never wrote such a letter, that the Peninsular and Oriental Company never received such a letter, that therefore they did not make the reply which had been suggested by the noble Earl, and such reply was of course not received by the right hon. Gentleman.

The Earl of DERBY: My noble Friend was good enough to give me notice, about an hour ago, of his intention to make some explanations as to certain contradictions with which he met some statements of mine on Thursday last. Since that notice I have endeavoured to recollect what these contradictions had reference to; and I found that the three points on which the noble Earl contradicted him—one of which he had not alluded to to-night—are the reprimand to General Hearsey, the want of an announcement to disabuse the Sepoys of the impression that it was intended to interfere with their religion, and the course attributed to the President of the Board of Control. With respect to the first point, it is very evident, from the statement just made by the noble Earl, that he does not understand the real statement made by me with regard to the reprimand addressed by the Governor-General to General Hearsey, All that I stated was simply that General Hearsey having taken upon himself to promote a Sepoy for gallant conduct, the Governor-General had disapproved of the act. My noble Friend the other night charged me with having taken my statements not from the blue-book, but from a certain red pamphlet. I admit that I have read that pamphlet, and if any of your Lordships should not yet have done the same thing, I would advise them at once to peruse it, for a more able *resumé* of the proceedings in India I never met with. However I did not make a single statement founded upon that pamphlet without verifying it by comparison with official documents, and my noble Friend must admit that, even had I borrowed my facts from the red pamphlet he alludes to, I did not borrow its language. I stated that a reprimand was inflicted upon Major-General Hearsey, for promoting the Sepoy in question, and I say so still. But I find that I have judged the Minute of Council too favourably, for I assumed that it contained a high approval of General Hearsey's conduct; which was not the case. Not only is the act itself disapproved of, but there is not the slightest notice of the gallant and distinguished conduct of the General on the outbreak of the mutiny, and under the most critical circumstances. In the Minute of the Governor-General, confirmed by the Council, it is stated

"That it is not in the power of the Major-General commanding to make this promotion, which can proceed only from the Government of India, and therefore should not have appeared in a divisional order without the sanction of the Governor-General."

I say that appears to me to be a reprimand. It may not appear so to the Government of India, but I believe every gallant and high-spirited officer would feel it to be so. It is quite true the Minute goes on to add:—

"But the promotion has been announced by Major-General Hearsey, and is richly deserved by Sheik Phultor, and may, I submit, be properly confirmed."

The order of the Major-General was undoubtedly confirmed, but the confirmation was accompanied by a reprimand. The next statement I made was respecting a refusal to insert the names of two officers in general orders, in which the Governor-General says,—

"I am sorry I cannot agree to Major-General Hearsey's proposal, that Lieutenant Baugh and Sergeant-Major Hewson, who suffered so severely in the conflict with the mutineers, should be the subject of a general order."

The Minute goes on to say,—

"I think it should be observed to Major-General Hearsey that it would have been better if the divisional order had not characterized Murgal Pandy's condition as one of religious frenzy."

That is the notice which is taken of General Hearsey's conduct, and I am astonished that my noble Friend should persist in

saying it was not intended to be a reprimand. I am sure it would be considered so by any high-minded man. The next matter upon which my noble Friend met me with a contradiction was my statement that, for a considerable period of time, no steps were taken to disabuse the minds of the Sepoys with regard to the intentions of the Government not to interfere with their religion. My noble Friend said, "What can you mean by that, seeing that within a month there was a discontinuance of the issue of greased cartridges which had been complained of?" But there was no declaration by authority to the Sepoys, stating that it was the determination of the Government, as it had ever been, to abstain from all steps tending to an interference with their religion. Now, upon the 9th of June my noble Friend near me (the Earl of Ellenborough) asked whether it was the intention of the Government of India to issue any proclamation to quiet the public mind in that country? "No," said my noble Friend opposite (Earl Granville), "the Government had no such intention; it was needless to issue any such declaration, which might be mischievous. The Government entirely approved the conduct of Lord Canning in abstaining from disturbing the public mind of India by any such proclamation." But what really did happen? At the very time the noble Earl was making this vindication of the Governor-General, the Governor-General had acted in accordance with the suggestions of my noble Friend (the Earl of Ellenborough), and had actually issued a proclamation such as the Government at home were lauding him for not issuing. The only thing is, that it was done three months later than should have been the case. Now, as to the third contradiction; I certainly should be very sorry to misrepresent, or even to exaggerate, the mistakes of the right hon. Gentleman the President of the Board of Control, and I was not at all surprised that the statement I made the other night should have been received with an expression of incredulity, for when the statement was first made to me I said at once, "That is impossible." I was certainly very greatly surprised when I heard the contradiction I have just received, because with the exception of using the words "a considerable time," whereas it now appears that it was only three or four days, the statement I made was precisely the same given to me by a gentleman, who I am sure would not mislead me, and who obtained it from the Manager of the Peninsular and Oriental Steam Navigation Company, a Member of Parliament, not at this moment in England, to whom the letter in question was addressed, and by whom it was answered. Upon the day before Parliament met I again saw my informant, and said, "This is a most serious charge; are you sure you are quite correct in your facts?" He said, "The managing director to whom he had referred was not in England, but that he would have an opportunity of seeing the other managing director, and would ascertain positively." He did see him, and upon the next day he informed me that there was no mistake, and upon his authority I made the statement to your Lordships. I should regret very much if I have done injustice to the President of the Board of Control, but if I was in error I am astonished that the noble Earl, who could have had immediate access to the best quarter for information upon the point, if he had ascertained that I was misinformed, should not have given an immediate and authoritative denial. I cannot explain the contradiction between the two statements, but I have stated by what means I acquired the information; my noble Friend has given a contradiction, and there I suppose the matter must rest.

EARL GRANVILLE: As to the explanation respecting the alleged reprimand to Major-General Hearsey, I have nothing to add. With respect to the other point, the omission of the Government to issue a proclamation in India, I will only remind your Lordships of what was the charge made by the noble Earl,—

"Throughout the whole of this period, from the beginning of February to the 20th of March, no single step, as far as I can find, was taken on the part of the Government either to disabuse the minds of the Sepoys on the subject of these greased cartridges, or to ascertain their probable intentions and the extent of the disaffection prevailing among them."

My answer to the charge was—

"Neither do I know what authority he has for saying that Lord Canning did nothing to stop the issue of the greased cartridges. To my knowledge he sent a telegraphic despatch discouraging the issue, and ordering that the native troops should use their own ammunition."

I recapitulated what appeared to me to have been the statement of the noble Earl, and contradicted it. If I was incorrect, I do not know why the noble Lord did not set me right at the time as to my misapprehension of what he had said. As regards the explanation which the noble Earl has just given respecting the charge

which he made against Mr. Vernon Smith, I can only say that I hold in my hand a correspondence which will place the whole question in the clearest point of view before your Lordships. My right hon. Friend the President of the Board of Control, the moment he became aware of the nature of the imputation which the noble Earl made against him, instituted the strictest inquiry among the clerks at his office as to their knowledge of the existence of the ground upon which the charge was based. They were, however, utterly at a loss how to account for the noble Earl's statement, and accordingly the Chief Clerk at the India Board addressed the following letter to the managing director of the Peninsular and Oriental Steam-packet Company :—

"You will see that Lord Derby makes a very round assertion respecting a correspondence between our President and your board upon the subject of facilitating the transit of troops across Egypt. The assertion is so strongly insisted upon that I begin to doubt my own recollection; but will you bear me out in the impression that no direct correspondence between our office and yours has taken place at all on this subject, and that the first notice of it (and that indirectly through the East India House), was in September last?"

To that communication the following reply was received at the India Board :—

"In reply to yours of this morning respecting the assertions made by Lord Derby on the subject of facilitating the transit of troops across Egypt, I beg to say that this company received no direct correspondence from the Board of Control, and that the first communication made by this company for the conveyance of troops *viâ* the Overland was dated the 9th September, and addressed to the Hon. the East India Company."

This correspondence cannot, I think, fail to dispel all doubt in reference to the subject. But before I sit down I cannot refrain from expressing it as my opinion that some precaution ought to be taken in sifting information before a charge of this nature is brought against a public servant who happens to be engaged in the discharge of an arduous duty. The noble Earl denies that he has borrowed his language from that of the pamphlet to which he has referred; but he will not deny that there was on the first night of the Session a similarity—and I admit a judicious and prudent similarity—between the expressions, and arguments, and even jokes, which he used, and those which fell from the right hon. Gentleman who represents him in another place. The only exception to this rule was that the noble Earl made a charge in this House against the President of the Board of Control, and that an attack was made upon the President of the Board of Trade by the leader of the Opposition in the other House of Parliament. Now, I cannot help thinking that the better distribution of parts would have been, for the noble Earl to make the attack upon my noble Friend the President of the Board of Trade in your Lordships' House, and for the representative of the noble Earl in the other House to make the attack upon the President of the Board of Control, when both my noble Friend and the right hon. Gentleman would have been enabled to defend themselves.

The Earl of DERBY; I quite concur with the noble Earl in the opinion that it is desirable the utmost caution should be exercised in sifting information before a charge is brought against a public man; and I must add that I thought I could have no better authority than that to which I alluded for the statement which I made, while it appeared to me that I had so far sifted the question that I could not possibly have been led into a mistake. With respect to the similarity which the noble Earl speaks of as existing between my arguments and those which are used by a right hon. Friend of mine in another place, I can only say that it is not extraordinary that some such coincidence as he mentions should prevail, inasmuch as it is my custom, whether in or out of office, to communicate freely with my colleagues in both Houses of Parliament. That is not probably the practice of those with whom the noble Earl is associated in the Government. I can assure the noble Earl that I was not even aware that the attack to which he alludes had been made upon my noble Friend the President of the Board of Trade in another place. If he is particularly anxious that I should do so, however, I have no objection to make an attack upon him in this House.

Earl GRANVILLE: My noble Friend has no particular wish to be attacked; but when an attack is made upon him he is desirous that it should not be done behind his back.

The Earl of HARDWICKE: My Lords, I think I am bound to state that either in the month of August or September last—I forget which—I heard from the gentleman to whom my noble Friend near me has referred the statement in respect to the President of the Board of Control

which has been the subject of discussion this evening. I afterwards visited my noble Friend at Knowsley and mentioned the circumstance to him. He at once said, "Oh, it is impossible; it cannot be true." That is precisely the state of the case, and I shall only add that I made the statement on authority which I could not for a moment doubt.

THE EARL OF ELLENBOROUGH: The noble Earl opposite says that the statement of the noble Earl near me is completely contradicted by a letter from the Manager of the Peninsular and Oriental Steam-packet Company in reply to one addressed to him from the Board of Control. Now, from my recollection of the Board of Control, no such letter could have been sent through that office. As a public office, it corresponds only with the Court of Directors, so that any letter which was addressed from it to the Director of the Peninsular and Oriental Steam-packet Company must have been of a private, and not of an official character.

THE DUKE OF ARGYLL: It is quite true that no official communications can take place between the Board of Control and any other body except the Court of Directors. But I hold in my hand a letter which I think will set at rest the whole question at issue. Nobody imagines that the noble Earl opposite made the statement which he has made without believing it to be correct, and I am perfectly ready to admit that it has been the result of a misconception. The letter which I am about to read to your Lordships was written to my right hon. Friend the First Lord of the Admiralty by Mr. Willcox, who was—I am not sure whether or not he is now—a director of the company. It is as follows:—

"Dec. 6, 1857.

"Dear Sir Charles,—My attention has just been called to a report of the Earl of Derby's speech in the House of Lords on Thursday evening, and I read with great surprise the following:—

(He quotes *The Times*' report.)

"'1. The Peninsular and Oriental Company offered in the month of July last to make such arrangements that the troops might have been taken across the Isthmus in twenty-four hours, and they likewise offered the use of their mail steamers, which would carry 500 men each trip.

"'2. In the month of August an application was made to the Court of Directors to make the same arrangement with the Peninsular and Oriental Company which had been offered and refused.

"'3. Some considerable time after these arrangements had been made, the President of the Board of Control somewhat surprised the Peninsular and Oriental Company by a letter which he wrote to them to ask if a scheme might not be organized for sending troops to India by the company's steamers. Now, this had been done for a considerable time, both under the authority of Her Majesty's Government and that of the East India Company, and yet the President of the Board of Control wrote to ask if it was possible to organize a scheme for doing it.'

"I have to observe, in reply to the 1st and 2nd, that their statements are utterly untrue, and not only so, but that nothing whatever occurred in connection with the Peninsular and Oriental Company which by possibility could give rise to a misconception upon the subject. The fact is, that upon this question, from the first down to the present, no tender or offer for the conveyance of troops *viâ* Egypt per the company's mail packets has ever been made by them. They knew too well the absurdity of attempting to convey during the monsoon months a body of deck passengers (for they have no room below) to India. (In this last monsoon, in a gale of wind accompanied by heavy rain, the company lost their steamer *Erin* on the coast of Ceylon.)

"It was not until the first week in September last, in consequence of a verbal communication from the East India Company to that effect, that on the 8th of that month the Peninsular and Oriental Company submitted a scheme for conveying fortnightly by their mail steamers detachments of men from 220 to 250 per steamer, engaging to maintain them in case of need on board their coal hulk *Ariadne* at Alexandria, or their hulk *Zenobia* at Suez.

"In answer to the 3rd, neither the President of the Board of Control, nor any one in connection with that department, ever addressed a letter to the compauy, either officially or privately, either on this or any other occasion.

"The idea that a Board of Control should so flagrantly assume the executive is so absurd that on this point I must assume that the noble Earl has been incorrectly reported.

"I have only to add, if it were true that the Peninsular and Oriental Company made an offer in July and August last (monsoon months often prevailing into September), the Government would have been perfectly justified in rejecting the scheme for the conveyance of troops by the mail steamers during that period.

"I am, dear Sir, yours truly,

"B. M. WILLCOX.

"Right Hon. Sir C. Wood."

This is, I think, as complete and emphatic a contradiction as can be given to the charge which has been brought against my right hon. Friend the President of the Board of Control.

THE EARL OF DERBY: All I can say is, that some of the statements contained in that letter are in direct contradiction to the published report of the Peninsular and Oriental Steam-packet Company.

THE DUKE OF ARGYLL: If the noble Earl will look to the city article of *The Times* of to-day he will there find reference made to a communication which has taken place between the Government and the company with respect to the conveyance of

troops *viâ* Egypt. He will also find that the date at which the telegraphic despatch was received, naming the day on which the vessel which is to take those troops is expected to arrive at Suez, is later—being, I think, the 17th of November—than any day named in this letter.

The Earl of MALMESBURY said, that the explanation gave rise to another discrepancy, for it was on the 1st October that the first batch of troops were sent by the overland *route*.

MESSAGE FROM THE QUEEN—PROVISION FOR GENERAL HAVELOCK.

Message from The Queen.

Delivered by the Lord President, and read by the Lord Chancellor, as follows: —

"Victoria R.

"Her Majesty, being desirous of conferring a signal Mark of Her Favour and Approbation on Major-General Sir Henry Havelock, Baronet, K.C.B., for the eminent and distinguished Services rendered by him in command of a Body of British and Native Troops in India, and particularly in the gallant and successful Operations undertaken for the Relief of the Garrison of Lucknow, recommends it to the House of Lords to concur in enabling Her Majesty to make Provision for securing to Sir Henry Havelock a Pension of One Thousand Pounds per Annum for the Term of his natural Life.

"V. R."

Ordered, That the said Message be taken into Consideration *To-morrow*.

RELIGIOUS WORSHIP ACT AMENDMENT BILL.

SECOND READING PUT OFF.

The Earl of SHAFTESBURY said, that, noticing their Lordships' pre-occupation with the affairs of India, he thought he should exercise a proper discretion in postponing his promised statement on this subject until this day (Tuesday).

Second reading (which stood appointed for this day) put off till to-morrow.

INDIA—THE ARMS AND PRESS ACTS.

MOTION FOR PAPERS.

The Earl of ELLENBOROUGH: My Lords, the first Motion I have to submit to your Lordships is, that there be laid upon the table of this House the Arms Act which has been recently passed by the Legislative Council of India. I believe the circumstances under which that Act was passed are these:—There had been a most unusual importation of arms into Calcutta, and it appeared that the purchases of those arms had been to a great extent made by Natives. This naturally very much alarmed the Europeans, inasmuch as they had before them the ill use which had been made of their arms by Natives in all parts of the country, as there was reason to suppose that there existed a combination to massacre all the Europeans in Calcutta, and as moreover there were present in that place 1,000 or 1,500 persons, natives of Oude, who were servants of the King of Oude. Under these circumstances it was very naturally suggested to the Government that it would be desirable to disarm the Natives in Calcutta for the security of the Europeans, who are few in number, and had but a small military force for their protection. The Government declined, but said they would introduce an Arms Act, and that is the Act which I wish to see and to have placed before you. That Act, as I understand, adhering to a principle very recently attempted to be introduced into the legislation of India, places the Europeans and the Natives—the persons who abuse arms for the purpose of destroying us, and the Europeans who wish to have arms for their protection—on exactly the same footing; and it went to this extent, that Europeans were not to be possessed of arms unless by the consent of a magistrate. Now, in the Mofussil, that is, in the provinces, the magistrates being to a great extent Natives, the Europeans are compelled by the Act to go to persons of this description, many of whom are suspected of being traitors, and many of whom have really proved themselves to be traitors, for permission to retain the arms necessary for their protection. Now, my Lords, my apprehension is (my noble and learned Friend at the table will correct me if I am wrong) that, according to the Bill of Rights, every Englishman is permitted to have arms for his own defence. [A noble Lord: Being Protestants.] Being Protestants — and why? Because at that time the Roman Catholics were suspected of traitorous designs, and there was reason why they should not have arms and why Protestants should for their own safety possess

them. Now, is there not the same reason for confiding to Europeans in India a similar privilege, and for excluding, under present circumstances, the Native population? Yet at this moment the Government of India consider it expedient, in accordance with what they call a principle, to place both these classes of persons on exactly the same footing, and to subject Europeans to the disadvantage of not being allowed to possess arms unless by the consent of a Native magistrate, if they should happen to live in the interior of the country. My Lords, that resolution of the Legislative Council appears to me to rest upon a total misapprehension not only of our position at the present moment, but of the position which for years the Europeans necessarily must hold with respect to the Natives of India. Our position in India is like that of the Normans in Saxon England. We must be armed, or it is impossible for us to protect ourselves. Instead of having a measure subjecting both English and Natives to a law of this description, the permanent law of India ought to be, that every Englishman should be possessed of arms under a penalty for neglect of the ordinance; and, if a resident in India, he should even be compelled to enrol himself in some corps for occasional discipline and drill. It is impossible for us to preserve in security the lives and property of Europeans in India unless we, for a time at least, assume the appearance of an armed militia. My Lords, it is not surprising that this fatuity on the part of the Government, acting upon a principle which never can be adopted in India (least of all at the present time), and subjecting our countrymen who are now fighting for their lives to this indignity, should have produced throughout the whole European population a very strong feeling of dissatisfaction and disgust. Of course there can be no objection to the production of this Act. But then there is another Act, of which we have a copy, because it was laid upon the table of the House at a very late period of the last Session—I believe after I had discontinued my attendance here—I mean the Act relating to the Indian press. We had laid before us at the same time the speech of the Governor-General in proposing that Act, and also some Minutes of the Legislative Council in order to explain the circumstances under which it was passed. Before I say a word regarding this Act for the suppression (for practically it is a suppression) of the English press in India, I wish your Lordships distinctly to understand the difference which exists between the press in India and the press at home. In this country the press is emphatically the press of the people of England. It advocates their interests: it is supported by them. Different opinions may be expressed by the editors of different newspapers; but they all endeavour to impress upon their readers that their object is the general interest of the people, and if they did not it would be impossible for them to exist. A newspaper must pay, and it cannot pay unless it relies for support upon the masses by whom it is to be purchased and read. But the press of India is in a totally different position. In the first place there are two kinds of journals—Native and English. The English press is not the press of the people of India. It is the press of the stranger, the press of the Government, the press of the governing class. It advocates their interests. I do not say that it may not occasionally also advocate the general interest of the country; but that is not the particular object of the English press; it is to represent the interests of those by whom it is especially supported—the governing class—and these interests the English journals may have to support in direct contradiction to the general interests of the people of India. The Native press, on the other hand—erroneously as we think, traitorously as it has lately seemed—takes up what it conceives to be the cause of the population generally, and is opposed to the personal interest of the governing classes. Being published in the English language, the English press is perfectly innocuous as regards the people of India until the articles it contains are translated; meanwhile it has no more influence on the people of India than the English journals would have upon the people of this country if they were published in Greek or Latin. On the other hand, the Native press has no influence whatever upon us, for by us it is not read. However, there can be no doubt that, although upon the people of India the English press can have no effect whatever until its articles are translated and have received a general circulation through the Native press, the Native princes (and I think probably all the more considerable persons in India) obtain for themselves, as I have been informed, not through the European press of India, but directly, translations of all the articles relating to the interests of

India which appear in the English newspapers. That source of information may and must remain open under all circumstances, whether it produces benefit or mischief. Now, there can be no doubt that the state of things in India was so serious—there had been mutinies—more mutinies were expected—these mutinies had assumed the character of revolution—there was so much appearance of danger—that I do think the Government was perfectly justified in considering whether it would not be necessary to restrain the indiscretion of the press in publishing that which might be injurious to the public service. My Lords, I know there are several points on which that indiscretion—I will use no harsher term—has assumed much prominence; I think, therefore, nothing could be more proper than that the Government, entering into confidential communications with the editors of all those newspapers published at Calcutta, should have distinctly stated their views as to the danger of discussion upon particular topics, and should have ascertained whether the editors were willing to come into some arrangement respecting the publication of newspapers leading to the prevention of that danger, distinctly intimating that if those gentlemen were not disposed to acquiesce in the suggestion made to them, the Government would take its own course by way of legislation on the subject. No such communication took place. The Governor-General went down on the 13th of June to the Legislative Council; he made a speech; he proposed a Bill, and in the course of the same day that Bill became law—but by the strangest inconsistency its operation did not commence till after the lapse of fourteen days; so that all the dangers which were depicted as arising from the disaffection of the Native press and the indiscretion of the European press were allowed to increase and to produce the mischief which might be effected during fourteen days of exasperation, those days covering the 23rd of June, the anniversary of Plassy, which was considered the most dangerous day for that country on account of the excitement of the Native mind. Now, let me inform your Lordships what the provisions of that Act are. First of all, no printing press was to be kept without a licence from the Government, under a penalty of £500, or two years' imprisonment, or both; two years' imprisonment being death to an European in India—death! worse than death, because including every suffering that can be inflicted upon the body. Secondly, the Act conferred the power of searching for and seizing unlicensed presses. Then applications for licences were to be granted under such conditions, if any, as the Governor-General in Council, or the Governor-General, might think fit to prescribe, and such licences might be revoked at pleasure. The conditions might be exactly whatever the Governor-General chose. The Governor-General might, if he thought fit, under this Act, require that there should be a previous censorship; and very much better would it have been if he had determined upon taking that course, because a previous censorship, conducted with intelligence, would have altogether prevented the mischief apprehended from the indiscretion of the newspapers. The course which has been adopted allows the mischief, and only attempts to prevent it by punishment subsequently to the issue of publications which may have been injurious; but I think, in the state of real danger which existed, that the censorship would have been infinitely preferable to the course which has been followed. The Act provides that, if the editor of a newspaper agrees to certain conditions, the penalty for violating such conditions shall be a fine of £500 and two years' imprisonment. It further provides that books, &c., printed at a licensed press shall have the printer's and publisher's names, and that copies shall be sent to the magistrates. Besides this, the Governor-General may prohibit the circulation of any book, newspaper, or printed paper, wherever printed; and whoever knowingly imports, publishes, or circulates, or causes to be published or circulated, any such newspaper or printed paper, is liable to the penalty of £500 and two years' imprisonment. Now, these being the provisions of the Act, it is necessary to see what were the conditions required from the editors. Those conditions were:—"'That no book, pamphlet, newspaper, or other work' shall contain any observations 'impugning the motives or designs of the British Government, either in England or India, or in any way tending to bring' it 'into contempt,' 'weaken its authority,' or that of 'its servants, civil or military.' Nor anything 'having a tendency to create suspicion' in the Native mind of interference with their religion. Nor to weaken the friendship of Native Princes towards us. 'The above conditions apply equally to original matter and to matter copied

from other publications.'" Now, of these conditions, I think that which requires that nothing shall be published which has a tendency to create suspicion in the Native mind of interference with their religion, and also that which requires that nothing shall be published which may tend to weaken the friendship of Native Princes towards us, are perfectly legitimate; nor do I understand that these conditions have in any case been violated. I know myself the extreme danger which is created by the circulation of opinions as if they were the views entertained by the Government with regard to Native Princes. No one in my time ever threw the slightest suspicion upon the views of the Government with regard to the religion of the people; but I know well the danger of saying anything which may weaken the friendship of the Native Princes. If that provision had not been introduced, or if the editors of newspapers, acting in conformity with the opinion of the Government, had not abstained from publishing statements which might have weakened the friendship of the Native Princes, I really know not what might have been the condition of our Indian empire at the present time. We owe the safety of our communications in an extensive district altogether to the fidelity of the Rajahs of Rawah and Gwalior; but if, instead of abstaining from making observations upon the conduct of those Princes, the Indian newspapers had expressed doubts of their fidelity, and, in the spirit which too much animates persons in that country, had expressed a hope that when our rule was re-established there would be further and further annexations, I assure you that every part of Central India, chiefs as well as subjects, would have been in arms against us. I therefore entirely agree with the Government in the necessity of making that condition, and also in the necessity of making the condition with respect to the religion of the Natives; but observe how these conditions fail in meeting requirements which are equally, or nearly equally pressing, and how, on the other hand, the Act itself and the conditions imposed under it go altogether, in some respects, beyond the necessity of the case. No doubt inconvenience may result—under some circumstances there may be more than inconvenience—from the dissemination through the press in India of observations tending to bring the Government of that country into contempt. But the provisions of this Act are not confined to the general conduct of the Government in India, but they apply to the conduct of the Government of this country in so far as it affects the Indian empire. All that the Government of India have to do is to preserve their own safety, and to leave us to ourselves; but, instead of confining themselves to this object, they make the penalties attach to any newspapers or books whatever, wherever printed, and also to newspapers which republish papers printed elsewhere. Indeed, in a recent case a newspaper was either warned or suppressed—I do not remember which—for republishing in India an article from a newspaper called *The Press*, published in this country. Now, observe what the effect of this provision really is. This law prohibits the press of India from speaking freely on the subject of the position of Englishmen in that country, and also with reference to the conduct of the Government there; and, as far as it can, it extends its coercion to the press of this country, for it provides for prohibiting the publication of anything which has been published in England that may not suit the views of the Government of India, and from the day of such prohibition any English gentleman in India who receives a book or a newspaper so prohibited and circulates it will be liable to a penalty of £500, and to two years' imprisonment. Why, my Lords, the things most injurious to the Government of India are the debates which sometimes take place in this House—such debates as took place on the first day of this Session, and such as many more that may be expected during its progress. Is nothing to be said during those debates which is not laudatory of the Government here and in India? Is nothing whatever to be said impugning the conduct of the Government here, or the policy of the Government of India? If, however, in any one of those debates anything is said of such a nature, the Governor-General may require that the English newspapers containing them shall be taken to him, and, on finding anything objectionable in the report of any speech in either House of Parliament, he may prohibit the circulation of such newspaper, and any gentleman who knowingly receives *The Times* or *Daily News* of a certain date, after that prohibition, is subject to a penalty of £500 and two years' imprisonment. My Lords, I do not know whether it is the object of this provision, but certainly its effect, if fully carried out—and from the

warning given to a newspaper for republishing a paragraph from an English newspaper I have no doubt it is intended fully to carry it out—its effect will be to deprive us in this country of knowing through the press what are the opinions of our countrymen in India, and to deprive them of what is still more important, the opportunity of knowing what we think of them. It will establish a system of mutual ignorance. The Governor-General said, when he imposed the law, that it was directed against the Native press; that the Native press had published that which was injurious to the State; that he could not say the same of the English press; but that he could not see any solid standing-ground on which a line might be drawn marking out the difference between one and the other. That, again, is following out the insane principle of treating in India—and especially at the present time—Natives and Europeans upon the same footing. But, although the Governor-General may not have been able to find this solid standing-ground, it seems he has found in the Native press a stepping-stone from which to direct his weapons against the press both in India and in this country. Suppose that two persons, one a Native and the other an Englishman, were taken before a magistrate in India charged with offences. Suppose the proof against the Native was decisive, while that against the Englishman was extremely slight, and that the judge should say to the Native, "Pandy"—that is what we call the Natives now—"you are convicted upon the clearest evidence; your offence is of the deepest dye; I cannot say the same of the Englishman, whose offence is very light, but I have no solid standing-ground on which a line may be drawn; I cannot make any distinction between you, and therefore you must both be subject to the same punishment." Can you call that justice? Do you think that the Europeans with their pride in the liberty of the press they enjoy in their own country would suffer that? But observe that while this Act does that which is unnecessary, while it aims at the freedom of the English press as well as that of the press of India, it fails altogether in doing that which is necessary. Neither in the Act nor in the conditions is there one word with respect to the dissemination of information with respect to the movements of troops. At a moment like this that of all things is the most important to prevent. If you look back to the despatches of the Duke of Wellington you will see how grievously he felt the injury on this point done by the freedom and indiscretion of the press. I know its indiscretion in India. I know I was obliged almost to violate the law in order to preserve that absolute secresy which I know to be necessary to the success of military movements. Yet, in respect to this Act there is no condition to prevent the publicity of every military movement in India. We still give through our press full information to the enemy. There is not a single newspaper which does not contain the most minute details of every movement of the smallest detachment, which does not disclose all our difficulties by stating where we have guns, and where we have not; where we have ammunition and where not; and where troops are withdrawn to, some being described as sent to one place and some to another. There is not one piece of information which the enemy would give a mint to possess that our press is not now allowed to give to that enemy in India. Therefore, I say, that it is not for a public object that publicity is not desired by the authorities in India, but it is for the purpose of protecting the Government from the free observations of those who censure its conduct. I have already stated that the most serious injury which the press can commit is still allowed to exist. Though there were eleven cases of warning given for the suspension of European newspapers, the Government have not given warning in one instance to any Native newspaper, though it is perfectly well known that the Native newspapers are full of the most virulent invectives against Europeans. Still, that is permitted. There is another thing permitted, which I deeply regret and view with great alarm. It is very natural, no doubt, that officers and gentlemen in India, having heard and seen what they have of the horrors committed, in many cases against their friends and dearest relatives, should write with very great excitement, and should indicate a disposition which, if carried out, would be totally inconsistent with all possibility of a settled and peaceful Government of India. But not one of their letters is ever excluded from the European press, and no attempt is made to check what has so great a tendency to excite public feeling against the Natives. It is great indiscretion on the part of the editors, as well as of the Government, not to prevent the publica-

tion of such letters. Therefore, I say, that the Government does more injury by allowing, through the medium of the press, our enemies to know every movement of our troops, and by allowing every excited man to publish his feelings to the Natives, than by permitting the press to remain as it was even under the former system.

I must be permitted to allude to the feeling which exists in India on the subject of the conduct of the Natives. There is no one who can feel more deeply than I have the atrocity of the crimes committed in India. No one feels more than I do that it is absolutely necessary to give future security to Englishmen in that country by punishing in the most exemplary manner all who should be convicted of having perpetrated those crimes. The crime of the soldier who attacks his officer is to my view the crime of parricide. The crime of a man who violates a woman is so horrible that for my part I should wish that in the legislation of all the world the punishment —the inexorable punishment—for it, were death. But could any one have contemplated the possibility of a crime so extensively committed in India—the crime of torturing and murdering children? There is something so revolting to human nature in such a crime that I cannot understand how any mercy could possibly be shown for so horrible an offence. I would persecute with unremitting and untiring zeal the perpetrators of those horrible crimes. God would not forgive us if we pardoned them. But I do entreat your Lordships, and the people of this country, and our countrymen in India, to recollect that for punishment to produce real effect there must be discrimination. To produce the effect punishment, even of the greatest offences, must appear to be inflicted after ample investigation from the judicial administrators of the law. It must not appear to be the result of the wild vengeance of a private individual. They must recollect that what we have to do in that country is not to appear as the avengers of a great wrong, and when we have accomplished it to depart; we have to inflict retributive justice with all the solemnity which accords with an empire which is to remain. If it be desired that our empire in India should be, as I trust it will, eternal, it can rest only upon mutual confidence between the governors and governed. I trust that in the hour of victory, if we should triumph, we shall be found as jealous of our honour as we have been in the hour of difficulty and disaster. By consenting to act upon this principle we shall, I trust, retain throughout the whole of this great contest that which we have found so valuable, which it is most important to us to possess, the sympathy and good-will of all the nations of Europe. The noble Earl concluded by moving—

That there be laid before this House,

Copy of the Arms Act lately passed by the Legislative Council of India: Also,

Return of all Native and European Newspapers licensed under the Act of the Legislative Council of India passed on the 13th of June last: And also,

Copies of all Letters of Warning addressed to the Editors of any such Native and European Newspapers respectively, and of all Revocations of the Licenses, if any, of such Newspapers, and of all Correspondence relating to the Restitution thereof.

EARL GRANVILLE: The noble Earl, in pursuance of his notice, has directed his attention chiefly to the subjects of the Arms Act and of the Act which places restrictions on the press in India; but he began by stating that alarm had been felt in Calcutta for the safety of that place, in consequence of alleged large importations of arms. This circumstance, however, was fully investigated, and it was ascertained that such was not the case, and that there was nothing to warrant any real alarm as to the safety of Calcutta. The Arms Act to which the noble Earl referred contains provisions with respect to the importation of saltpetre and gunpowder, and with respect to dealing in arms, but as the noble Earl has not alluded to that part of the measure, it is not necessary for me to go into it. The other part of the measure I do not think in any way meets the description which the noble Earl gave of it. The Act does not immediately compel the Europeans and Natives to give up their arms, or to obtain licences to carry them; but it enables the Governor-General in Council to proclaim any district, reserving to himself the power of exempting from the operation of the Act any persons or classes of persons whom he may think fit to exempt. I know that at Calcutta there was a very general wish that martial law should be at once established, and general disappointment took place that that was not done. It has been said that Sir Colin Campbell desired the establishment of martial law, but was thwarted by the Governor-General. There is not the slightest foundation for that statement. Sir Colin Campbell never had any idea of the kind; and the best proof

that such a step was unnecessary is that the two great Mahomedan festivals, from which so much danger was apprehended, passed over without disturbance. With respect to the defence of the lives and property of the inhabitants, their Lordships would recollect the ridicule with which on a former occasion the noble Earl treated the idea of persons going about with revolvers in their hands and under their umbrellas to defend Calcutta. But the noble Earl's objection to the Act is, that Europeans are comprehended within its provisions as well as Natives, and he says that this is not the policy we ought to pursue—but our policy should be to make the English be like the Normans and the Natives like the Saxons. I cannot agree in that opinion, which I think is perfectly inconsistent with that portion of the noble Earl's speech in which he observed that without mutual feelings of kindness the Government of India could not be carried on. Nothing could be more inconsistent with such an opinion than the announcement in this House by one of its most eloquent Members, and one, too, who is supposed to know more about India than most men, that the few resident English there should act as Normans, and that the millions of Natives should be treated like conquered Saxons. A suggestion was made to Lord Canning that Christians should be exempted from the Act, but, most properly I think, he felt that, since many of the Native rajahs, zemindars, and their retainers, had exposed their lives and property in order to stand by the cause of the Government, any Act subjecting them to a disarmament from which all Europeans and Christians were expressly exempted would have been a most unwise and impolitic measure. Supposing the Act proclaimed in any district, can your Lordships imagine that it would be difficult for a loyal Englishman who wishes to be exempted to give at once the only notice required with regard to the number of arms which he possesses and which he desires to retain? It must be obvious that every Englishman worthy of the name will be very glad to comply with the Act in that respect, and nothing more will be required of him, for the Act provides that in a proclaimed district, wherever any person makes a return of the arms in his possession and requests to be allowed to retain them, he will receive a licence enabling him to do so. There can be no objection, surely, to such an Act. The noble Earl, leaving the subject of the Arms Act, proceeded to comment upon the restrictions placed on the press, and that question he seemed rather to darken by the statement that Lord Canning had made an attack upon the British press at home. I deny that statement. I believe Lord Canning would be infinitely less likely than the noble Earl himself to object to the freest discussion of public questions in the press, or to the widest circulation of anything tending to the enlightenment of every class of British subjects. Nobody but a madman would think of fettering the press at home; and the day on which such a question shall arise, if we can venture to contemplate such a thing, will be a day dark and gloomy in the annals of England. But the English press in India, as partly stated by the noble Earl, stands on a perfectly different footing from the press at home. Nothing, indeed, can be more dissimilar. The noble Earl stated that the press here represented the people. That is so true that I believe there is no class who, if they have any numbers or sympathies with them, and have intelligence enough to express their opinions, will not find themselves represented in some way or other by a portion of the aggregate press of this country. It is to be remembered, moreover, that our press is assisted and controlled by the Houses of Parliament and by the public meetings which are constantly held all over the country. The press certainly influences and assists in the formation of public opinion, but public opinion daily reacts upon the press, checking and controlling it in a variety of ways. A wholly different state of things exists in India. The noble Earl must have read the Minute of Sir Thomas Munro, and, although he may not entirely agree with it, yet the authority of Sir Thomas Munro is not to be put aside, especially when he points out what dangers may accrue in India from the errors of the English press, referring particularly to the mischiefs which might be produced among the Sepoys in our pay. It is worthy of remark that the noble Earl has treated the Act relative to the press as if it were a permanent provision adopted for ever in India, whereas, in the letter already presented to Parliament and by the Act itself, it is clearly confined to one year, and is intended merely to apply to the extraordinary and exceptional circumstances in which India is now placed. Lord Canning himself alludes to the reluctance which

any English statesman must feel in placing restrictions on the press; but I may state that the Indian press, by an Order issued by the noble Earl himself, when Governor-General, is now prevented from obtaining that official information which it formerly used to possess. Since the promulgation of that Order everybody connected with the Government of India has refrained from writing in the press or giving it intelligence, and hence the absence of any security except the loyalty and judgment of its managers for the wise and sober exercise of its power.

THE EARL OF ELLENBOROUGH: The noble Earl has misapprehended the object and effect of my Order. What I did may be explained in few words. I found gentlemen in India—official gentlemen—who thought that public documents which came into their hands as servants of the Government were theirs to dispose of or make public for their own purposes whenever they pleased. I saw such infinite dangers to the Government in the prevalence of that custom—a custom which it would be impossible to tolerate in any country, and which, if it existed here, the noble Earl himself would say ought to be put down—that in clear and distinct terms I told the public functionaries what their duty was, and desired them to do it.

EARL GRANVILLE: If the Order was confined to the prevention of the publication of official information by subordinate servants of the Government, I do not think there could be any objection to it.

THE EARL OF ELLENBOROUGH: The Order was rendered necessary by the conduct of one of the most responsible persons in the country.

EARL GRANVILLE: The effect has been this, to prevent any public official from forming any connection with the press.

THE EARL OF ELLENBOROUGH: No official has a right to publish public documents,

EARL GRANVILLE: Exactly. But there is a difference between that, and an official making use of the press as a channel through which to communicate to the public such news, arguments, or explanations as it ought to know. There would be nothing wrong, for example, in a police magistrate, in the event of an accusation being brought against him, publishing a defence of his conduct in the newspapers. As the head of the Department of Education, I would regard the publication by myself of anything calculated to promote the cause for which the department was instituted as perfectly legitimate, while I would condemn as criminal and dishonourable on my part the disclosure of matters decided in the Cabinet. But, however that may be, I wish to direct the attention of your Lordships to the fact that of late years the English press in India, with few exceptions, has been most violent in its attacks upon the Government, holding it up to contempt in every possible way. The noble Earl says it writes for Englishmen alone. I am told that is not the fact; it is read extensively by Natives acquainted with English; its articles are translated in the Native journals, and the evils it has produced in this way have been of a very grave character. For example, the Bombay papers stated that the Government had determined to annex the territory of Baroda.

THE EARL OF ELLENBOROUGH: When was that statement made?

EARL GRANVILLE: I do not know the precise date.

THE EARL OF ELLENBOROUGH: Was it before or after the passing of the Act relative to the press?

EARL GRANVILLE: Before it. But the date of some of the articles is precisely that which made it necessary to give them this warning. For instance, the Calcutta papers announced that part of the deficiency in the public revenue was to be met by a reduction of the allowances granted to Native princes. Such statements were of course productive of much mischief. Besides their effect upon the Natives, I think Lord Canning had reason to complain of them upon another ground. He was in the habit of sending to the Calcutta papers all the information which he received of an authentic character, and yet it was no unusual thing to find in the same journals, by the side of the official intelligence obtained from the Government, news of an entirely opposite character, for which there was no foundation whatever, and calculated to cause great detriment to the English cause. That was conduct which could not be overlooked. I have heard it said that the Indian Government have acted with greater rigour towards the English than towards the Native press. The fact is, I believe, that except in one or two instances, where it has been found necessary to take an editor into custody, the Native

press has submitted itself peaceably to the instructions issued by Government, whereas the English press, with that firmness which characterises us all, only became more violent than ever. It became absolutely necessary that the Government should proceed against the English press, for it would have made itself a laughing-stock to the whole of India if, after having passed such an Act, it had refrained from putting it into execution. I am the more anxious to state the grounds upon which I think the conduct of the Government quite defensible, and, indeed, imperatively called for by a sense of public duty, because I believe there is no doubt that it is this Act which has caused all the virulent attacks which have been made upon Lord Canning since the promulgation of the restrictions. The noble Earl said that the Government passed the Act to defend itself. Now, there were no personal attacks upon Lord Canning in the press previous to the passing of the Act, and therefore there could be no vindictive feeling on the part of the Governor-General. I find in a July number of one of the leading Calcutta papers, smarting under the infliction of a "warning," a statement to the effect that up to the time of the restrictions every European in India gave not only his support, but his sympathy to Lord Canning. That, it seems to me, stands rather in contradiction to the bitter accusations which now are made as to acts of the Governor-General previous to that date; it shows, at all events, the estimation in which Lord Canning was held previous to the passing of the Act relative to the press. I believe that Lord Canning, receiving representations—not from those surrounding him in Calcutta, but from the highest military and civil authorities in each of the Presidencies — as to the dangerous tendency of much of the writing both in the English and the Native press, was more than justified in passing a temporary restrictive Act at a time when all the energy of the Government was required to defend the English cause. I have now said what I had to say relative to these two subjects; but I cannot sit down without referring to the closing remarks of the noble Earl. Nothing, I am sure, could be more admirable, or more useful, especially coming from one so well acquainted with India. I believe that there is no question of showing mercy to any one man guilty of mutiny, murder, violation of women, or infanticide; but it is most important that punishment should be administered as a public act, and preserved from all character of private vengeance. I was glad to hear the noble Earl affirm so firmly and positively principles which so entirely justify Lord Canning's policy with regard to the punishment of the guilty, and the showing, I will not say mercy, but justice to the innocent. I entirely agree with the noble Earl that the only means of insuring good government in India is to produce and encourage confidence between the people and their rulers. If our government is to continue, our only object must be the happiness of those whom we govern. That object is perfectly compatible with the best interests of the English nation, and I believe that when these events are calmly considered, and, at all events, when history shall pronounce its verdict, nothing will so entirely justify Lord Canning as the calmness and the firmness with which he resisted the pressure to which he was subjected to induce him to place Europeans and Natives on a different footing. His conduct in this respect will, when this disastrous mutiny has been suppressed, enable the Government to resume its former course, and to be administered without its being regarded by the Natives as a tyrannical and hostile power. This calmness and courage Lord Canning has displayed in the highest degree. I have seen letters in which he has been accused of every compatible and incompatible deficiency which a man could exhibit under such circumstances; but I am bound to say that in some of these very letters, written before Delhi was taken or Lucknow reached, I have seen imputations of actual cowardice cast upon both General Wilson and General Havelock, the results of whose operations have shown that not only was every bit of caution which they displayed absolutely necessary, but that their objects could have been attained only by the most heroic dash on their parts. On the other hand, my Lords, I have seen letters—from young men, it is true, whose opinions are not worth much, but still showing that the conversation which they hear is not all on one side—defending Lord Canning's character and conduct, and complaining of the unfairness of the attacks to which he has been subjected. I have also seen letters from some of the ablest Indian officers, praising in the highest terms the courage and the coolness of Lord Canning. I have seen letters

from civilians who have passed their whole lives in India, holding exactly the same language, and stating that the real cause of Lord Canning's unpopularity among a certain portion of the Calcutta people is the singular calmness and absence of fidget with which he has applied all his energies to the work in hand. Do you wish to know what General Mansfield thinks? General Mansfield said, by the first mail, that he could only judge Lord Canning to be one of the best men of business that he had ever met; by the second mail he wrote that, having had some opportunity of ascertaining facts, his belief was that the one calm head in Calcutta was that upon Lord Canning's shoulders. What does Sir Colin Campbell say of him? Sir Colin Campbell thinks that the English in India are fortunate in having at their head at this moment so able a chief, so perfect a gentleman, and such an admirable man of business as Lord Canning. I think that to some imputations Lord Canning is justly liable. I think that, at a moment when great panic existed in Calcutta, he was rash in intrusting himself to troops whose fidelity might be suspected; but it was at a time when he felt that, as as our dominion in India depended upon the belief in our self-confidence and courage, it was of the greatest importance that the head of the Europeans in that country should not be thought to be deficient in those qualities. And I am quite sure that among Englishmen even too great an indifference to personal danger is not likely very long to tell against Lord Canning. I have thought it right to say thus much in justice to Lord Canning. With regard to these two Acts, I admit that possibly there may be defects in their details, but I cannot see the justice of the accusations which the noble Earl has brought against them, and I certainly believe that by the means of these measures the principle of conciliating the Native has been carried out, without in the slightest degree endangering the lives, or the property, or the proper pride of the European residents.

THE EARL OF ELLENBOROUGH: If I understood the noble Earl correctly, he expressed the opinion that Lord Canning is more favourable to the liberty of the press than I am.

EARL GRANVILLE: More favourable to free discussion.

THE EARL OF ELLENBOROUGH: Free discussion! I thought it was about the press that we were talking. As to that, Lord Canning, a Liberal, was the author of this Act. After I had been in India three days I was subjected to much more abuse than Lord Canning. I saw the danger arising from the indiscretion of the press, and it was not for want of suggestions from home that I did not adopt some measure against it. One of the Directors, I recollect, suggested to me that it would be advisable to impose some restrictions upon the press, and that a measure for that object would receive cordial support in the Court. To tell the real truth, however, I rather suspected the quarter from which the communication came, and I thought that I had difficulties enough without engaging in a conflict with the press. Therefore I bore the abuse as I could, and my only revenge was, that after my first three months' residence in India I never read a word that appeared in the newspapers. I was determined not to allow them to disturb that tranquillity of mind which I knew to be essential to carrying on the public business. The noble Earl opposite has spoken of some prosecutions under the Act. There have been three prosecutions, I understand, of the newspapers whose excesses led to the passing of the Act. In the first two cases the gentlemen who conducted the prosecution on the part of the Crown came to terms with the persons who were placed in the dock, and agreed to take a verdict of one rupee damages. In the third case there was a verdict for the defendant. Of Lord Canning I have said nothing. I have made no attack upon him. I have only dealt with the Legislative Acts of the Council of India. Before the breaking out of the insurrection Lord Canning was personally extremely popular. He laid himself out to obtain popularity, and he succeeded. Every one did him the justice to say that he was a conscientious, hard-working man, and, I believe, no jobber—a wonderful merit in that country—and really did all he could to perform the duties of Governor-General. That was the general impression. My own belief is that no man ever went out to India with a more sincere desire to do his duty to the country which he had to govern; but there can be no doubt that at the present moment he has not the confidence either of the people of Calcutta or of the Europeans generally throughout India. I attribute that to this, that he has attempted to do that which has failed everywhere, and which

never can succeed—he has attempted to carry on his Government in a spirit opposed to the feelings of all those on whom alone he could depend for support.

Earl GREY: I heard the close of the speech delivered by the noble Earl (the Earl of Ellenborough) with the greatest pleasure. He laid down in most admirable language the rule which ought to be followed by the Government and people of this country in their conduct towards the Natives of India in the present unfortunate state of affairs. I cordially agree with him in what he said as to the necessity of severely punishing the guilty. I agree no less cordially with his opinion of the equal necessity of discrimination in the infliction of that punishment. I agree with him, if possible, still more in what he said as to its being absolutely necessary, if we wish our empire in India to continue, that nothing should be done to forfeit the confidence of the great mass of the Indian people. It is as clear as daylight that if it once becomes the opinion of the great body of that people that the government of their country is carried on by England for purposes inconsistent with their welfare—if you once create in their minds a feeling that we regard them with hostility, the days of our power are numbered. No efforts we can make, no exertions, no army which we can employ, can enable us to coerce the millions of India if hatred of our dominion, and a desire to shake off the yoke, should be really excited in their minds. Therefore I heard with great satisfaction what the noble Earl said upon this subject; because I know that any observations of his will have great force, not only in this country, but among the British inhabitants of India. But, my Lords, great as was the satisfaction with which I heard this part of the speech of the noble Earl, I confess that it did not remove the regret which I felt at his having brought on this discussion at all. It seems to me that in the present state of India, looking to the difficulties with which Lord Canning as Governor-General has to contend, this plain rule is binding upon every man who has the honour of a seat, either in this or in the other House of Parliament, namely, that we should not upon any account, by any incautious word which we may utter in places from which every word that we may say goes to the furthest extremity of the world, do anything which can diminish the moral power of the man who is intrusted with the great authority of the Governor-General of India—and therefore that even if Lord Canning has made mistakes, we in this House ought not, nor ought Gentlemen in the other House of Parliament, to dwell on those mistakes, or to hold them up in language which is likely to diminish the confidence which is placed in him by those whom he has to govern, unless it is clearly necessary to do so in order to avert some evil, or to attain some important public object. If there is such an object to be attained, if by exposing some great fault in conduct, we can hope to correct it for the future, and to bring about an amendment of the policy of the Government, it is our duty to speak, but otherwise, we ought for the present to abstain from commenting even upon real mistakes, because by doing so we might weaken the hands of the Governor-General at a time when it is most important that they should be strengthened. I contend, that this is the principle which ought to govern our conduct, and if so I cannot believe that the cases which the noble Earl (the Earl of Ellenborough) has brought forward furnish sufficient reasons for hostile comment in this House. Without attempting to enter fully into the argument in defence of those measures for checking the sale of arms which have been pretty well defended already by my noble Friend (Earl Granville), I cannot help saying that on the noble Earl's own showing it appears to me that the acts in question are not deserving the censure which he has passed upon them. Can anybody doubt that, under the circumstances in which India has been placed during the last few months, the Government ought to have some power of checking the sale of arms? It seems to me the very first thing that ought to have been done. Is it quite impossible that there may be Europeans so guilty and so deserving of the severest condemnation that may be heaped on them as to be parties to supplying the Natives in rebellion against them with arms? Have we never heard that some of the subjects of a State which was trembling for its existence have been base enough to sell arms and supplies to its enemies? Has that not happened in the United States and Holland? Has it not happened even in our own country? Was there no ground for suspecting British subjects to have been concerned in selling powder to the Kafirs to be used against the British troops? I maintain that some power of

checking the sale of arms is absolutely indispensable to a Government in time of war. The only question, therefore, is whether the power taken by Lord Canning by the law which he passed was too large. The noble Earl, if I rightly understood him, objects to that law, because it applied to the white residents in India as well as to the Natives. I cannot concur in that objection. I think in the present state of India it would be in the highest degree unwise to make a distinction by law, with respect to the right of possessing arms, between one colour and the other. No doubt in exercising the powers of the law, and in deciding who shall or shall not be allowed, a great distinction must practically be made between Natives and Europeans, but it would be a very different thing and most mischievous, to establish such a distinction by law. I think the distinction of colour and of origin is a distinction that must be practically acted upon in a great degree in a country in the position of India. He would take an illustration from the application of the Irish Arms Act. The Act as it was passed applied to every man in the country; but all those who were thought proper persons to possess arms were allowed to retain them by applying for a licence to the authorities. In like manner they must make a practical distinction in India; but not make a distinction by a general law, which would have the effect not only of insulting and of wronging many Natives who have been our faithful friends, but also of depriving the Government of power in some cases where it might be most wanted. Is it impossible that in India as in Africa imprudence or a guilty desire of gain might have led white men to sell arms which might have come into the hands of our enemies? Then, with regard to the act relating to the press, I think the noble Earl himself made out most conclusively the necessity for a suspension of the liberty of the press in India. There is no man who values more highly than I do the liberty of the press, but circumstances may occur in which we may pay too dearly for the boon. In India, in such a crisis as the present, I can conceive nothing more impolitic than to permit the unrestricted liberty of the press to exist. I can conceive a state of circumstances in which it might have had the effect of arraying against us those Native Princes and brave men in India on whose support we have mainly depended. But I go further. I believe that in countries in the state which India now is the greatest difficulty and danger we have had to encounter is that which arises from the disposition of small minorities, who, finding themselves in a situation of great peril, press on the authorities the adoption of very unwise and impolitic measures. We have seen it formerly in the West Indies during slave insurrections, when the great difficulty was to keep the white people in order and prevent them from driving the whole coloured population into hostility. So it was at the Cape, and so it is in every country which is in this unfortunate situation. The natural fear which seizes small minorities who have been dominant when attacked by a portion of the majority, is apt to make them confound together the whole class of the population, of which a part only may be really hostile. Suspicion and fear create a desire for measures of indiscriminate severity, and the greatest danger of a Government in such cases is, that those fears of the ruling minority may drive it to have recourse to measures which will combine the whole of the rest of the population against it. I believe I am not in error in saying that this state of feeling has of late been shown very conspicuously among the white inhabitants of Calcutta. While our countrymen in the East have deserved the highest credit for the manner in which they have generally conducted themselves during this trying season, I am afraid that some at least of the inhabitants of Calcutta are hardly entitled to the same praise, and that have yielded to panic, terror, and to the violence which terror suggests. I cannot help thinking that there has been a disposition among them to urge on the Government measures which would have been extremely unwise, and must have led to very bad effects. I say, therefore, it is absolutely necessary that the Government should be armed with very stringent powers in this emergency. The only real point which the noble Earl seems to me to have against the conduct of Lord Canning is, that he would have done better if he had established a censorship. In this I am disposed to agree with the noble Earl. In dealing with the press, I much doubt whether any restrictions short of a censorship are of real use, and I believe that when perfect freedom cannot be granted to the press, it is wiser to come at once to a censorship. But granting that Lord Canning may have erred in this, surely it is not an error for which he deserves to

Earl Grey

be blamed, he rather deserves credit for the desire he has shown to reduce to the minimum the restrictions, which for the public safety he thought it necessary to impose on the press. I have thought it my duty to make these few observations, because in this great crisis I think it is of national importance that the authority of the Indian Government should be maintained, and because the present Governor-General seems to me, so far as I have the means of forming a judgment of his conduct, to be fully entitled to the encomium which my noble Friend who spoke last has pronounced upon him.

The Earl of MALMESBURY said, he rose to repeat what he had said at the close of last Session on a similar occasion—that he could not too strongly protest against the attack made by the noble Earl opposite upon his noble Friend (the Earl of Ellenborough), and against the principle which he had laid down that it was a vicious practice to discuss Indian subjects at this time in their Lordships' House. If the noble Earl really believed in the impropriety of that practice, he should have sat down immediately after giving that advice, and not have gone on violating his own suggestion. There was a contradiction between the noble Earl's advice and his conduct. But, be that as it might, he (the Earl of Malmesbury) thought they should really be abdicating their duties, and forgetting all the purposes for which their Lordships' House existed, if in such a momentous crisis as this they were to be content, at the bidding of the noble Earl, to sit there with their mouths closed until the Government gave them permission to speak. The noble Earl could not have chosen a more unhappy moment for making his suggestion; for he (the Earl of Malmesbury) was there to express his belief that if the advice tendered by his noble Friend (the Earl of Ellenborough) months ago had been followed many of the unfortunate circumstances they had now to deplore would not have occurred, and much of the fury of the rebellion would have been more successfully encountered. He felt therefore it was the duty of their Lordships, and that in discharging that duty they were doing a service to the country, to discuss these matters, temperately if they could, and without party feeling or prejudice of any kind. But they were certainly not called on by any of the circumstances of the case to abdicate their constitutional functions and keep silence on such occasions. He thought the noble Earl misunderstood his noble Friend (the Earl of Ellenborough) in reference to the disarming Act. What his noble Friend said was that he objected to putting the rebellious Indians on the same footing as the loyal Europeans. They were antagonists, and fighting, not for theories or party questions, but for their very existence; and what astonished the people of this country was that the Governor-General, for some reason which he had not explained, put the belligerents on the same footing. He did not intend to discuss the abstract question whether Natives and Europeans were to be placed upon the same footing, although, if he correctly gathered the meaning of the noble Earl (Earl Grey), that was the tendency of his opinion. But we being in the minority in India, and the Natives being in an enormous majority, if to the advantage of superior numbers we conferred upon them all the advantages which the laws conferred upon Europeans the natural result would be a speedy termination to our rule. Whether that were the wise course or not he was not prepared to say, because that was not the time to discuss it; but he rose, as he had had occasion to rise before, to protest against the declaration of the noble Earl, which had not been quite borne out by his honourable career in public life, for he had always mixed in public questions, and he had always been ready to give his valuable advice; neither was it consistent with the conduct of his great ancestor, who, throughout the French war, gave his opinions to the Government on every event that took place.

The Marquess of CLANRICARDE said, he so entirely concurred in the views expressed by the President of the Council, and of the noble Earl below him (Earl Grey), that he should not have risen, but that he wished to correct a mistake into which the noble Earl who spoke last had fallen. He (the Marquess of Clanricarde) had never objected to the discussion of any event or political question at the proper time, neither had his noble Friend (Earl Grey). What he said, and what his noble Friend also said, was, that it was not the duty of any Member of Parliament or public man to weaken the authority of the Government in India when that authority was placed in circumstances of extreme difficulty and danger, while at the same time it was intended to continue the government of that country in the same

hands. To that opinion he still adhered He objected to sending out to the Indian world the idea that the public of this country were dissatisfied with the conduct of those who were entrusted with the management of public affairs in India, and yet intended to leave those affairs to be administered by the same hands. He thought the explanations that had been given were satisfactory. It was clear that the free sale of arms and a free press were totally incompatible with a state of civil war.

THE DUKE OF ARGYLL : Nothing can be generally more irregular than referring on one night of a debate to that which had taken place upon another, and I never for a moment think of referring to previous debates. But on the present occasion I assure the noble Earl (the Earl of Derby) that it is only with the view of setting him right upon one or two points that I must refer to the mis-statements that have been made, and that have been principally derived, I think, from the pamphlet to which he has called our attention. I refer to the conduct of Lord Canning with regard to the disbandment of the two regiments in India, the circumstances of which, I think, are greatly misstated in the pamphlet to which the noble Earl has referred. With respect to the disbandment of the 19th and 34th Regiments, the first took place on the 30th of March, and the other on the 6th of May. Now, the accusations brought against Lord Canning are twofold—first, that he allowed an injudicious delay to take place between the mutiny and the punishment—and secondly, with regard to the nature of the punishment, as being too lenient. The narrative in that pamphlet, and the narrative in the noble Earl's speech, apply to the whole of the interval which elapsed between the mutiny and the sentence being carried into effect. In short, the charge was that there was nothing that could legitimately have accounted for that delay. Now, I believe that statement to be entirely at variance with the facts. With regard to the mutiny of the 19th (for that must be clearly distinguished from the mutiny of the 34th, which was accompanied by very different circumstances), that mutiny of the 19th Regiment took place on the 26th or 27th of February. It was but a momentary panic, and almost immediately passed away. There had been great misconduct on the part of the officers in commanding the regiment, and in the interval that elapsed between the mutiny of the 19th Regiment and the final disbandment both the officers and the men manifested most unmistakable signs of regret for what had taken place. The delay in punishing that mutiny was not owing to any vacillation or hesitation on the part of Lord Canning, but to these causes—First, that there was but one European regiment within 400 miles, and it was impossible that Lord Canning could have proceeded to extreme measures towards those regiments which had mutinied without the assistance of European troops. Within five days after he heard of these transactions a steam vessel was sent off to Rangoon for troops to reinforce him. In the meanwhile a court-martial sitting upon the conduct of the 19th Regiment, and as soon as its report was received and European troops had arrived, Lord Canning came to the conclusion that it was necessary to disband that regiment. A complaint has further been made against Lord Canning that the simple disbandment of the regiment was not a sufficiently severe punishment for the offence; but I hardly know in what other form the sentence could have been shaped. No man had been guilty of any individual violence. The whole regiment had refused in a body to give up their arms, and I am not aware what other punishment could possibly have been inflicted, unless, indeed, Lord Canning for the offence had resorted to those severe measures which were afterwards had recourse to at Meerut, and which originated the most painful part of the whole recent outbreak. In reverting to that subject I cannot but say that, in the whole experience of that mutiny, so far from condemning Lord Canning for disbanding that regiment, I think it goes to prove that his conduct was most judicious, and, as was afterwards proved, most safe. Just look at the circumstances in which those men were placed. By the policy of our military system in Bengal we have encouraged the Hindoos to set the highest value upon their distinctions of high caste. We then distributed cartridges amongst them, against the use of which they had a prejudice derived from their caste regulations; and when the mutiny broke out at Meerut to no less than ten years' imprisonment in irons were those troops of cavalry sentenced. There could have been no idea of justice in such a sentence. At all events the outbreak of the mutiny was owing to the severity of the sentence upon those men; and, considering that at

that time no successful mutiny had taken place, he was justified by his recent experience in deciding that the more lenient course was the best. But this, after all, is mere matter of opinion—with regard to the facts there has been no mis-statement whatever. As respects the 34th Regiment there has been an important misconception. The mutiny in that regiment had been of a far more serious character. The men stood by and allowed their officers to be ill-treated; some of them even assisted in the attack, and committed the most grave offences. But the interval between the mutiny and the punishment was occupied in an inquiry into all the facts. A court-martial began to sit on the 1st of April. It sat regularly every week (there being necessarily intervals between the examination and cross-examination of the witnesses) until the 18th of April. And what was the finding of that court-martial? It was sent to Lord Canning by Brigadier-General Hearsey on the 18th of April, and I cannot conceive a report more embarrassing to the Governor-General than that. The finding of the court-martial was not a general finding, but that a part of the regiment had been mutinous—that is to say, the Hindoos—but that the Sikhs and Mahomedans were perfectly faithful. That report was received by Lord Canning on the 14th of May. His Minute is dated the 30th of April, and I am sure the House will be of opinion that he came to a wise decision. He decided that it would be highly injudicious to make any distinctions of creed on the part of the Government, and subsequent events have shown that no such distinction could have been safely made. But the most important inaccuracy into which the noble Earl opposite was led was this—that the resolution to disband the 34th Regiment arose from the example set by Sir Henry Lawrence at Lucknow. As the noble Earl has read from that pamphlet, I will just read a passage from a document in possession of the House that will disprove that statement. The narrative of the pamphlet is that Lord Canning was excited by the example of Sir Henry Lawrence, and never would have done anything without his example. Now it so happens that Lord Canning's order with respect to disbanding the regiment was dated on the 30th of April, and the mutiny at Lucknow did not take place till the 3rd of May. I think that is a satisfactory answer to the charge that Lord Canning was stimulated by the example of Sir Henry Lawrence. But this is not all. The facts of the case throw an important light upon the opinion which has been expressed with regard to the nature and character of the punishment awarded to those regiments. There is really no contrast between the opinion of Sir Henry Lawrence and the opinion of Lord Canning. That very regiment which mutinied at Lucknow, and against which Sir Henry Lawrence acted with so much energy, was disbanded by Lord Canning. So that Lord Canning actually did that which Sir Henry Lawrence had only threatened to do. The news first came to the Government respecting the mutiny at Lucknow, dated the 4th of May. The statement is that they were informed by Sir Henry Lawrence that the regiment was to be disbanded, but that those men who had not mutinied should be readmitted. This shows, at all events, that there was no great difference between the opinions of Lord Canning and Sir Henry Lawrence. When the news first came Lord Canning found fault with Sir Henry Lawrence for being too lenient, and said he thought it would be better to disband the regiments, but that the men who had not been implicated should be replaced in the ranks. There was a feeling about discharging soldiers one day and taking them back the next that it tended to weaken the hands of the commanders. Thus I think the statement of a contrast between the opinions of Sir Henry Lawrence and Lord Canning to be at variance with the facts. I disagree, of course, with those who maintain that the conduct of the Governor-General is not a fit subject for discussion in this House. On the contrary, I think that it is; but at the same time I think it right to state any fact within my knowledge that may set right any point of debate in this House. I think everybody who will go over the blue-book and the red pamphlet will see that in that pamphlet the facts are very greatly mis-stated.

Earl GRANVILLE here interposed and said, he was sure it would be satisfactory to their Lordships to know at the earliest possible moment that a telegraphic despatch had just been received from India. The substance of that despatch he was happy to have in his power at once to communicate to their Lordships. The noble Earl then proceeded to read to their

Lordships one or two paragraphs from the despatch, announcing the safe arrival of a convoy of provisions at Lucknow, and the fact that troops were being moved up quickly to its relief.

THE EARL OF DERBY: I am happy to hear this intelligence, though I certainly was in hopes that we should have received news of the entire relief of the garrison of Lucknow. With regard to the subject of the present discussion, I was about to say that I am always very willing to receive correction when I am wrong. Respecting the pamphlet I am very glad to receive information. I do not intend by any means to defend every statement in that pamphlet, but my contention was that there had been a very considerable and unnecessary delay with regard to the disbanding of the 19th Regiment. At the same time I did not complain of the penalty inflicted on the 19th Regiment as being an inadequate penalty. The noble Duke (the Duke of Argyll) says, that it is necessary to bear in mind the distinction between the circumstances of the two regiments. What I did complain of was that in the case of the 19th Regiment a long period elapsed before the sentence was executed. But with regard to the 34th Regiment, I complained that not only had a long period elapsed, but that an inadequate punishment had been at last imposed, and I said that whereas the 19th had expressed a simple refusal and afterwards shown regret, the acts of the 34th were of a much more violent character. The men not only made attacks upon two of their officers, but a considerable portion of the troops joined in the mutiny and did actual violence upon their officers. Now, I complained that after the long delay that had taken place the punishment on those two regiments was precisely the same—that those very men who with the butt-ends of their muskets knocked down their officers not only received no signal punishment, but for the space of six weeks were allowed to do duty (with a sufficient force, no doubt, to control them), and at the end of that period they were simply disbanded; and thus those men who should have suffered death were allowed to depart, and swell the ranks of the enemy.

THE EARL OF ELLENBOROUGH: I should be glad to know at what period it was determined to send the 84th Regiment back to Rangoon?

THE DUKE OF ARGYLL: I am glad by the question of the noble Earl to have an opportunity of correcting another misstatement of that pamphlet, which I believe to be one of the most inaccurate publications ever submitted to the public notice. The only paper which I can find having any reference to the sending back of the 84th Regiment to Rangoon (which was not, in fact, to remain there, but to be exchanged for others) is dated the 8th of May—that is the earliest. The statement in the pamphlet is, that Lord Canning meant to send back the 84th altogether; but in the blue-book there is an order of the 8th of May asking when a steamer could be provided by the Peninsular and Oriental Company to carry back the 84th to Rangoon. Two days after the 84th were taken back in a great hurry, leaving all their baggage. The reason of their going away was to send back other troops in their stead.

THE EARL OF ELLENBOROUGH: I said that there was some interval between the disbandment of the 19th and the 84th Regiments, and that there was an intention to send the 84th Regiment back to Rangoon. That is all.

THE DUKE OF ARGYLL: No, not between the disbandment of the regiments.

Motion *agreed to.*

House adjourned at a quarter to Eight o'clock till To-morrow, half-past Four o'clock.

HOUSE OF COMMONS,

Monday, December 7, 1857.

MINUTES.] NEW MEMBER SWORN.—For Tavistock, Arthur John Edward Russell, Esq.

NEW WRIT.—For Scarborough, *v.* the Earl of Mulgrave, Manor of Hempholme.

PUBLIC BILLS.—1° Medical Charities (Ireland). 2° Bank Issues Indemnity.

THE QUEEN'S SPEECH—ANSWER TO THE ADDRESS.

THE COMPTROLLER OF THE HOUSEHOLD (Viscount CASTLEROSSE) *reported* Her Majesty's Answer to the Address, as follows:—

"I have received with much satisfaction your loyal and dutiful Address.

"It is My earnest desire at all times to co-operate with you in measures which tend to improve and strengthen the Institutions of the Country, and to promote the security, welfare, and prosperity of My People in every part of My Dominions."

HER MAJESTY'S SHIP "JUNO."

QUESTION.

Mr. WARREN said, he wished to ask the First Lord of the Admiralty whether his attention has been called to a recent naval court-martial held on an officer of Her Majesty's ship *Juno*, and whether any steps are contemplated by the Government in respect thereto?

Sir CHARLES WOOD said, he need hardly assure the hon. and learned Gentleman that the attention of the Admiralty had been called to the court-martial in question, and that they had observed with the greatest pain that an officer of the character and services of Captain Fremantle, himself the son of one of our most distinguished officers, should have placed himself in a position in which he had exposed himself to the severe and merited censure of the Board of Admiralty. At the same time it was only fair that certain circumstances should be known which had weighed with the Board of Admiralty, and which would no doubt weigh with the House of Commons in forming its opinion. When Captain Fremantle, being appointed to take charge of the Australian station, had arrived at his post, he received a letter from the Admiral in command of the Indian station complaining of the relaxation of discipline which had taken place on that station. It was certainly true that Her Majesty's ships were in some parts of the world so scattered about that it was sometimes impossible to hold court-martials, and naval discipline was therefore with some difficulty upheld under these circumstances. Where it was possible the Admiralty sent out officers of different ranks, so that court-martials might be held, but this was not always practicable. Captain Fremantle had reason to take a stricter view of discipline in consequence of the Admiral's letter. He was not himself acquainted with Captain Fremantle, but he was assured by hon. Members who were friends of his that it was impossible he could have been actuated by any other motive than the desire to act in the strict performance of his duty. He believed that the lieutenant brought to court-martial admitted that Captain Fremantle had been a greater sufferer than himself from what had happened. He had had to carry on almost all the executive duties of the ship, and under these exertions, combined with the effects of the climate, his health had completely broken down. The accounts of the court-martial in the newspapers were substantially correct, and hon. Members must have observed that when he appeared before the Court Captain Fremantle was quite unable to perform the duty of a public prosecutor, which it was incumbent upon him to discharge. He was not in a state either of bodily or mental health to enable him to state the case in such a way as to give an account either of his own conduct or that of the officer on his trial. He (Sir C. Wood) did not impugn the verdict of the court-martial, which he thought perfectly just and right according to the evidence, and he was quite of opinion that the lieutenant was entitled to his acquittal. But it made some difference in their view of Captain Fremantle's conduct and the course which the Admiralty had pursued when they remembered that he was an officer of very high and unblemished character, and of thirty-three years' service. It would be unjust if these circumstances did not carry some weight. At the same time, if the *Juno* had been remaining in commission, the Board of Admiralty would have felt it to be their duty to supersede Captain Fremantle. As she was, however, under orders to be immediately paid off, and as she had come home with no officer but the captain to conduct the duty, it would have been inconvenient to have removed him from the ship. It was, therefore, not from any regard or feeling towards Captain Fremantle, but simply for the convenience of the public service, that he was not at once superseded. What the Board felt it to be their duty to do was to write to the Commander in Chief at Portsmouth, desiring him to communicate to Captain Fremantle their opinion that, considering all the circumstances, he had been unjust in the course which he had pursued towards those officers; that if there had been grounds for any charge they ought to have been examined into on the spot, and that he ought not to have subjected them to such a lengthened period of arrest. Captain Fremantle would have been superseded if the *Juno* had remained longer in commission, but it was thought more convenient to pay her off. A severe censure had been passed. The letter remained on record at the Admiralty and at the Commander in Chief's office at Portsmouth—a warning to all officers who might be placed in a similar position. He thought that, taking into consideration all the circum-

stances, and with a proper regard to justice, the House would be satisfied if the Admiralty took no further steps in the matter.

GUANO—QUESTION.

MR. CAIRD said, he would beg to ask the Secretary of State for the Colonies whether any obstruction on the part of the British Commandant at Aden has been offered to the employment by the Guano Expedition to the Kooria Mooria Islands of Arabs, and other labourers not natives of India, and whether Government has taken steps to remove that obstruction?

MR. LABOUCHERE said, that when the subject was last before the House he stated that Her Majesty's Government had determined to afford a fair trial to the attempt to obtain a supply of guano from the Kooria Mooria Islands. A ship of war had been sent to protect the trade, and from the accounts in the papers there seemed reasonable grounds for believing that a considerable supply of guano had, in consequence, been obtained. With regard to the question of the hon Gentleman, he learned from the same source that labourers had been conveyed from various ports on the coast of Arabia to the islands; but that as regarded Aden, from which the principal supply was expected, it did appear that the Government of Bombay thought there were objections, partly of a legal nature, to allowing any labourers to be taken from that place, and the Commandant at Aden had forbidden their employment. Her Majesty's Government had called the attention of the Indian Government to the obstruction, and expressed a hope that if there were no valid reason for it it would be removed. The matter was under the consideration of the Board of Directors, and he was not able to state at the present moment the decision at which they had arrived.

REFORMATORY SCHOOLS IN IRELAND. QUESTION.

MR. BAGWELL said, he would beg to ask the Chief Secretary for Ireland if it is the intention of Her Majesty's Government to introduce a Bill for Reformatory Schools in Ireland this Session?

MR. HENRY HERBERT said that the subject was beset with difficulties, and the right hon. Gentleman whom he succeeded in office had already introduced a measure which did not sufficiently avoid these difficulties. He did, however, intend to offer a Bill to the House, which he trusted might be more successful.

BRITISH SUBJECTS IMPRISONED AT NAPLES—QUESTION.

MR. MONCKTON MILNES: The noble Lord gave us to understand that he was in expectation of receiving additional information respecting the condition and treatment of the two British engineers who are detained in prison by the Neapolitan Government; I beg to ask him whether he has received that information, and if he has, whether he will communicate it to the House?

VISCOUNT PALMERSTON: Sir, the question of my hon. Friend has only anticipated an intention which I had to ask permission of the House to make a statement somewhat modifying that which I made on Friday. On Saturday morning we received additional despatches, and another despatch was received this morning. I am sorry to say, Sir, the account which those despatches give does not tally completely with the account received before from the Rev. Mr. Pugh. The Rev. Mr Pugh stated that the men made no complaint of their treatment, that they were in good health, and in a tolerably spacious apartment. On Saturday morning we received despatches from the Acting Consul, giving an account of an interview which he and the father of one of them had had with the engineers. They seem to have entered into much more detail with them as to their treatment since the commencement of their confinement, then they had done with the rev. gentleman. They did not know the chaplain. They did not know who he was, or from whom or why he came. Hon. Members will easily understand why they did not like to expatiate very much on their condition to a stranger; but to the Acting Consul whom they knew and the father of one of them they were more communicative. That which they complained of is, I am afraid, not at all exceptional. Of course, it is well known that Neapolitan prisons are really a disgrace to a civilized country, and that the treatment to which prisoners are subjected is more fitting a barbarous age than the present time. However, the engineers have not been subjected to anything like torture except so far as the suffering from being handcuffed and strapped, when no such security was necessary, may be somewhat of that description. They had seen confined at first and for three months

in a dark, damp, gloomy cell, with attendant circumstances which made it particularly offensive and injurious to health. Their health had suffered, and it is quite true, though it was not stated to the chaplain, that one of them, in a fit of despondency, occasioned by the treatment they were undergoing and the prospects before them, did attempt his life. There was also reason to think that an attempt was made by the *Procuratore del Re* to falsify the evidence of a witness who had been examined on interrogatories. It was corrected, and the statement was afterwards made such as the witness deposed. With regard to their present situation, the account of the Acting Consul and the father tallies very much with the report which Mr. Pugh had made—namely, that they were in an apartment sufficiently airy, and that there was nothing in their present treatment which could be materially complained of. I should state, also, that with regard to their former treatment they complained excessively of very bad food—bread so black and unwholesome that they could not eat it, and soup nauseous and unfit to take. We are still expecting an answer from Signor Caraffa to the representations which have been made to him, and until that is received there is nothing further to state.

Lord JOHN RUSSELL: Will my noble Friend have any objection to lay on the table the despatch or letter of the Acting Consul?

Viscount PALMERSTON: Perhaps my noble Friend will allow me to look over it again. I do not know whether any part is of a personal character. I presume there will be no objection to produce it.

Mr. CONINGHAM: I wish to ask whether any steps are likely to be taken with respect to these men, in order to set matters right. The lives and liberties of Englishmen are not to be trifled with in this manner.

Viscount PALMERSTON: The present state of the matter is this:—They are in prison on a charge of having violated Neapolitan law, and all that we have a right to demand is a speedy, fair, open, public trial, with the best legal assistance that can be given them for their defence.

MESSAGE FROM THE QUEEN.

SIR HENRY HAVELOCK.

Viscount PALMERSTON acquainted the House that he had a message from Her Majesty to this House, signed by Her Majesty.

Message from Her Majesty *brought up.*

"VICTORIA R.

"Her Majesty being desirous of conferring a signal mark of Her favour and approbation on Major General Sir Henry Havelock, Baronet, K.C.B., for the eminent and distinguished services rendered by him in command of a body of British and Native Troops in India, and particularly in the gallant and successful operations undertaken for the relief of the Garrison of Lucknow, recommends it to the House of Commons to enable Her Majesty to make provision for securing to Sir Henry Havelock a pension of One Thousand Pounds per annum, for the term of his natural life.

"V. R."

Committee thereupon *To-morrow.*

HER MAJESTY'S SPEECH—SUPPLY.

Her Majesty's Speech *considered.*

Motion, "That a Supply be granted to Her Majesty":—

Committee thereupon *To-morrow.*

BANK ISSUES INDEMNITY BILL.

SECOND READING.

On Motion that the Bill be now read 2°,

Mr. GLADSTONE said, there were two points to which, as they had escaped notice in the previous debates, he wished to call the attention of his right hon. Friend the Chancellor of the Exchequer; a course which, the House would see, was perfectly consistent with the beneficial understanding arrived at on Friday night as to the general discussion of the measure. One of them was a question which might be said to relate to the wording of the Bill; but it was one which it would be most convenient his right hon. Friend (the Chancellor of the Exchequer) should have the opportunity of considering between this time and going into Committee, rather than postpone its consideration until the House was actually in Committee. It respected the manner in which the first clause of the Bill had been drawn. That first clause was intended to confirm all the issues of Bank of England notes made by the Governor and Company of the Bank, and it went on to provide that all acts done in relation to such issues, and to the acquiring and taking securities in the issue department, should be confirmed and made valid. He spoke subject to correction, of course, if it could be shown that there was a stream of authority

the other way; but there appeared something anomalous, and which under given circumstances might prove inconvenient, in a direct indemnity from this House to the Governor and Company of the Bank, so framed as to include acts in regard to which the House knew nothing, the Governor and Company of the Bank not being a public body in the sense of being responsible to this House. The objection, which he took, seemed to be founded on principle, and if it were founded on principle, the mode of carrying it out was one that might be adopted without the slightest inconvenience. He would suggest that they should interpose a public body, responsible to the House between Parliament and those neccessarily undefined Acts — undefined, so far as the Bill was concerned; and the object sought would be gained, if, instead of indemnifying the Bank in regard to all those acts of which the House had no evidence before it, Parliament were to provide that the Bank should be indemnified in regard to all acts done by them in this matter which should have received the certified approval of the Commissioners of the Treasury. The Commissioners of the Treasury were a public body, were responsible to Parliament, and to give an indemnity for that which they should approve would, he thought, be both regular and convenient. The other point he wished to mention was one to which he was afraid it was unfashionable to refer, for in these days the representatives of a great commercial people seemed to stoop, when they asked a question relating to money. This, however, was one of that kind, and he certainly did not wonder that it had escaped the attention of the Chancellor of the Exchequer in the discussion on Friday night, considering the many other grave and important questions then before the House. But the question he wished to put, and which his right hon. Friend would probably be kind enough to answer, either now, or to-morrow, or on a future stage of the Bill, as might be most convenient to himself, related to the profits of the issues which had been made. The question divided itself into three parts. The first was, whether, in principle, it was understood that the profits of those issues would go, not to the Bank of England, but to the Government. In his opinion, those issues were, strictly speaking, public money, resting upon the security of the public faith. And he confessed he was even sorry that the form had been observed of transferring securities against these monies in the issue department of the Bank, because it rather tended to obscure the truth of the case, which was, that these were monies issued just as much as Exchequer bills themselves, upon the faith of Parliament. The first question then was, were the profits of those issues the profits of the public? The next question was, how these profits were to be computed, because there had been a great deal of discussion upon that subject, and he was anxious to know, on principle, though the amount was not large, whether the public were to receive the profits of issue or of discount. The profits of issue were generally computed by the Bank of England at about 1 per cent., whilst the profits of discount stood at 10 per cent. It was a matter of some interest, therefore, to know which of those rates it was whereof the public were to have the benefit. The only remaining portion of his inquiries was this. In his speech the other night he understood his right hon. Friend the Chancellor of the Exchequer to say that strictly speaking the amount of the issue made was the amount of issue which had gone forth to the public. He (Mr. Gladstone) confessed that he was rather disposed, taking that as a verbal proposition, to question its terms. It appeared to him, on the contrary, that strictly speaking the amount of the issues was the amount which proceeded from the issue department; and when the question of profits came to be settled, he should wish to know whether those profits would be calculated on the amount of the issues made from the issue department, or only on that part of the issues which had gone forth into circulation amongst the public over and above the whole of the legal issue. He was afraid that a measure of this kind was, as had been said of strife, "like the letting out of water," and that none of them could tell to what extent the practice might go; at any rate, it was their duty, as representatives of the people, to have a clear understanding with regard to these profits.

Sir HENRY WILLOUGHBY said, he was aware that some understanding had been come to at the conclusion of the debate on Friday night, and although he had no share in it, yet knowing the very little good to be derived from a lengthened currency debate, he, for his part, had no wish to depart from the arrangement then made. Leaving the general question of the currency law, he was anxious to make an observation or two, which were sug-

gested by the Bill which the House was now called upon to read a second time. They were about to pass a Bill of Indemnity upon what he thought was very slender evidence. That evidence was, in fact, what was, certainly, a very clear and lucid statement of the Chancellor of the Exchequer and certain correspondence between the Government and the Bank of England. What were they called upon to do by the Bill? He did not understand that either the noble Lord at the head of the Government or the Chancellor of the Exchequer had committed any offence. All he gathered was, that they had written a letter requesting the Governor and Company of the Bank of England to violate an Act of Parliament and commit a misdemeanor, and for which they were entitled to indemnity. Now, he did not question for one moment that they were entitled to an indemnity; but what he wished to ask the Government was, whether they were in possession of information to show that there had been any unfair action upon the currency of this country? He did not ask this question without very good reason. There was evidence upon the table of the House, given by a gentleman than whom no one was more competent to give it—he meant Mr. Chapman—to the effect that it was very possible that an improper action might be produced upon the currency by a speculator, and at page 471 of that gentleman's evidence he mentioned an instance where a capitalist was described as selling Consols to the extent of one or two millions sterling for bank-notes, and that at a moment when the circulation was low—a circumstance which it was clear might well aggravate the pressure on the Bank of England. What he wanted to know, then, was whether anything of this kind had come to the knowledge of the Government as having recently occurred, and whether there had been fair play on the Bank throughout the whole of the recent panic? He put this question with the more determination, because it did happen that in one of the ablest journals of the day there appeared, on the 17th of November, a letter, written by one of those anonymous correspondents who had so much influenced the Government, and the real value of whose opinions he should be better able to measure if they attached their names to them, in which it was distinctly averred that certain provincial joint-stock banks, acting in concert with some great bill discounters in London, had produced such an action on the currency. It was most desirable that the House should be informed what that action had really been during the months of October and November, and he believed the evidence was to be easily procured. He held that before sanctioning a Bill of Indemnity, it was the duty of this House through a Committee to ascertain the facts of the case, in order that Parliament might thereby be enabled to exercise a full and fair judgment upon the subject. It was impossible to exaggerate the importance of the matter, if there were any foundation for the statements that had been made. He had no wish to press for a Committee upon the currency question generally; but he did think that if through the medium of a half-dozen Members of the House they could obtain a record of the facts, such a measure would be exceedingly advisable. Already they had upon the table the evidence of able men to show the possibility of such occurrences as he had referred to taking place. He asked the House, therefore, to pause before they passed a Bill of Indemnity without inquiring how this pressure had been induced on the Bank of England. Had that institution received fair play? Had there been any attempt made to place it in such a position that the Government, seeing what had happened, had no other alternative than to pursue the course they had adopted, and recommend a violation of the law? Sufficient was known to justify him in saying that very great pressure had been brought to bear upon the Bank of England by individual houses. True, that might have been in the course of business; but it was, no doubt, in the power of two or three great capitalists to avail themselves of their finances, at the critical moment when the circulation was low, to act upon the Bank, and do great injury to the interests of the public. He repeated that he would not enter upon the general question of the currency; he contended, however, that they were about to pass a Bill without an accurate knowledge of the precise circumstances which had rendered a suspension of the law necessary. A mere statement on the part of the Chancellor of the Exchequer, let that statement be as lucid as it might, was certainly not sufficient ground, because the right hon. Gentleman was one of the parties who required indemnity. In like manner the statement of the Governor of the Bank, clear as it was, did not go into the circumstances which had induced the pressure. He therefore called upon hon. Members to

ask themselves the question, whether, if there were the slightest suspicion of anything like unfair action upon the currency by means of combination or conspiracy of any kind, it was not their duty to inquire and ascertain the facts. Perhaps the right hon. Gentleman the Chancellor of the Exchequer would not object to some evidence being taken upon the subject before the Bill passed through Committee, for a more important question could scarcely require his attention.

Mr. CAYLEY said, that, although he had been no party to the arrangement which had been come to a few nights ago, —namely, to postpone all further discussion upon the subject of the currency to Friday next, he by no means wished to disturb that arrangement, which he had no doubt was a very proper one; but he wished to direct attention to some of the grounds which had been put forward by the Bank of England as rendering necessary the suspension of the Act of 1844. He entertained no objection to the letter which had been issued to the Bank by the First Lord of the Treasury and the Chancellor of the Exchequer sanctioning that suspension. On the contrary, he thought with the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) that Government would have deserved impeachment if, under the terrible circumstances which had come to their knowledge, they had not come forward and used all their power for the protection of public credit. He must complain, however, that both in Her Majesty's Speech and in the correspondence with the Bank unjust imputations had been thrown upon the banking and commercial classes of this country with reference to the causes which had produced the monetary crisis. It had always been the custom of leading public men, who had had a share in the establishment of the present law, to attempt, under circumstances like the present, to throw the onus of responsibility upon the commercial classes; but it was really the system that was to blame, and he protested against the commercial classes, who had difficulties enough in the ordinary course of business to contend against, being made responsible for the vices of the system to which these periodical convulsions were to be attributed. The Directors of the Bank of England stated in their second letter that they thought it worth while to enter into a history of the events which had transpired in the fortnight previous to the issue of the Government letter, and accordingly they began with the 24th of October, and observed that the failure of the Liverpool Borough Bank had produced a state of great commercial discredit. Now, he (Mr. Cayley) did think that it was hardly fair, in furnishing a history of these transactions, to give the go-by to the events which had immediately preceded this fortnight. Thus, there had been a long-continued drain of bullion to the East and to the Continent, the effects of which were aggravated by the general suspension of cash payments in, and prospective drain of bullion to, the United States of America. Liverpool was connected closely with the trade of the United States; and therefore, without knowing anything whatever about the management of the Liverpool Borough Bank, he must say that, instead of the conduct of the commercial classes constituting a cause of these commercial convulsions, he was only surprised, considering the close connection of Liverpool with the United States, that the catastrophe was not greater than it had been. Coming to the 5th of November, the Directors stated that the condition of things was such that they felt themselves obliged to raise the rate of discount to 9 per cent, and on the 10th of that month to 10 per cent. Surely such a condition of things as this was calculated to give rise to alarm in the commercial world. Had there been, for a considerable time previous, undue speculation, the *Gazette* would have demonstrated it by individual over-speculators and those who traded upon insufficient capital going to the wall. Every week, in ordinary times, we were in the habit of seeing in the *Gazette* a certain number of failures of the sort. But the state of things which prevailed under a drain of bullion, and consequent diminution in the Bank reserves, showed that some general, not individual, cause was in operation, and was such that if the drain went on long, as it did in November, it was impossible for any commercial man to be free from apprehension and danger: for when that state of things once began, under our present system, no one could say where it would stop. Such was the apprehension felt under these circumstances, that on the 10th of November, and a day or two before, a rush and demand for money were made by all the first banking and commercial establishments, which rendered it impossible for any source of currency to supply it to the ordinary class of traders. Was the House aware of the extent of the call for the legal tenders by the depositors of the various banks and other holders of

money? A calculation had been made which showed that the money virtually at call in this country amounted to something like £200,000,000 sterling. If, then, the Government had not written their letter of the 12th of November, he should like to know what commercial house or bank, not excepting the Bank of England itself, could have stood against the pressure; for who could pretend, when the pinch came, that £200,000,000 could be paid by the £8,000,000 or £10,000,000 in the Bank vaults. The whole system was based on sufferance and confidence, and yet the law was such, that confidence was perpetually shaken or undermined and destroyed by it. After detailing all these circumstances, which were sufficient of themselves to create a panic in the public mind, the Bank Directors went on to state that the continental drain for gold had ceased, the American demand had become unimportant, and there was at that time little apprehension that the Bank issues would be inadequate to meet the necessities of commerce within the legalised sphere of their circulation; but that upon this state of things the failure of the Western Bank of Scotland and the City of Glasgow Bank, and a renewed discredit in Ireland, supervened, causing an increased action upon the English circulation by the abstraction in four weeks of upwards of two millions of gold. This was on the 10th of November, two days before the issue of the Government letter, when, as the Chancellor of the Exchequer had told them, there was no one discounting but the Bank of England; and was not that a state of things sufficiently pressing to cause a suspension of really solvent firms? For his part he did think that the House ought to sympathize a little more than they did with the commercial classes of the country, who had always plenty of difficulty to contend against in the regular course of business without their calamities being made responsible for a system under which, at times, trade could not be carried on, as had been proved on two or three occasions by the suspension of the law. The Bank Directors also spoke of the failure of the Scotch banks as if it were not to have been expected, and was a matter of surprise. But he would ask whether the Bank of England had no notice at all that the Western Bank was in a critical position. He apprehended rumours must have reached the Bank Directors full ten days before to that effect. They then went on, in a remarkable passage, to observe that the drain to meet the demand from Scotland and Ireland was in its nature sudden and irresistible, and acted necessarily in diminution of the reserve. Sudden and irresistible! What would a Court of Bankruptcy say to such an excuse from a merchant? What would this House say? What would the Chancellor of the Exchequer say? He (Mr. Cayley) would like to know how the merchants trading with the United States of America could have expected the entire suspension of cash payments in a great country? No doubt the suspension of cash payments throughout the United States had acted upon them in a manner sudden and irresistible; and he contended that that suspension would have formed a better, a more business, a truer plea than the language used by the Bank Directors and by Ministers in the Speech from the Throne, for the disasters which had occurred lately in this country. Under existing circumstances, however, the noble Lord was perfectly justified in issuing the letter to the Bank; indeed, it would have been infatuation in a Minister to have adopted any other course. The impossibility of working the present system, when confidence was once disturbed, as he had said, arose from the fact that there were loans at call upon the banks and others, through their deposits and notes, to the amount of probably two hundred millions which all stood engaged to be converted into legal tender, but which could not be done, because there might be no gold in the country, or because the gold might be diminishing so fast that panic supervened, and a state of collapse threatened, while the system was ruthlessly running its course. And while attempting to arrest this state of things, which the Bank did with as much skill and courage as mortal could do, what happened? During the few days before the Government interfered, many commercial firms of high standing were brought to ruin. In the present instance it was said that eighty-five commercial houses, representing a capital to the extent of £45,000,000, had been brought to a suspension of their business. Now, as his right hon. Friend the Member for Buckinghamshire (Mr. Disraeli) asked the other night, why should there be a distinction drawn between those houses that had failed before the issue of the Government letter, and those that would have failed probably in the course of the

following week had the Government letter been delayed so long? For it was quite clear by the progress of events, that these victims had been held to an impossibility. But the victims had always been made the scapegoats by the ruling powers on these occasions. The crisis of 1817 was said to have been occasioned by the transition from war to peace in 1815, as if peace brought want instead of plenty in its train. Mr. Tierney, in 1817, said that the national miseries had arisen to a point wholly without precedent since the Norman Conquest; but he (Mr. Cayley) could not understand why that should have been the state of the country when we had ended a great war, or why as great calamities had periodically occurred since, unless there was something erroneous in our system. A crisis at another period was attributed to over population by one party, and to over production by another, as if these two causes were not calculated to neutralize each other. The crisis of 1825 was attributed by the noble Lord the Member for London to the failure of some 700 or 800 private banks. He believed that not more than about 125 private banks failed in that year, and it should be remembered that they paid 17*s.* 6*d.* in the pound. In order to get rid of these banks we had joint-stock banks established. Then, the crisis of 1836 was attributed to joint-stock banks; but a remarkable man who arose at that time, Mr. Cobden, stated in his evidence before the Bank Committee of 1839 that the Bank of England was answerable for it, and he was loud in his denunciations of a state of things which made the Bank of England the arbiter of every man's fortunes. The Bank of England, however, was a mere instrument of the law. He did not think that the Bank of England was to be blamed for the course which it had pursued during the last few months. They were told by Sir Robert Peel that the Bank of England was a private bank. He (Mr. Cayley) knew not whether it was a private or a public bank, but if it was a private bank, and its circumstances were such as they were represented to be by its own Directors, in a late return, namely, a reserve reduced to something like £900,000, on the 11th November, and about £500,000 on the 12th, for all its branches, with deposits exceeding £19,000,000, it was not for the Bank of England to throw stones at joint-stock banks. The crisis in 1847 was attributed to railroads and over speculation, while for that of the present year the joint-stock banks and over speculation were said to be responsible. Over speculation was always thrown in as a plausible makeweight. The commercial classes were told that they ought not to enter into the adventures in which they were engaged; but what was trade itself but an adventure? If profits were certain, all then would trade. The position in which the commercial classes were placed by our present monetary system might well be compared to that of a party engaged in a round game of cards, a given number of counters being provided to each player, who, at the end of the game, was forced to make up his full number of counters. But suppose the master of the house suddenly snatched away half the counters, and still compelled the players to make up the full number—which was physically impossible—was not that the state of things under a drain of bullion? They were continually hearing praises in that House of the present system, and declamation against paper; but he defied them to act upon it strictly at all times. He was ready to admit that the Bank had acted on the present occasion both generously and vigorously, and that they fully deserved the thanks of the country. But he would ask, was a system which insisted upon all the gigantic liabilities of the country being convertible into bullion, when no bullion might be there, a correct one? He (Mr. Cayley) wanted no expansion of the legal tender; he should be satisfied with less than on the average existed, provided it was uniform in its amount. All the various crises which had ever happened in this country arose from oscillations in the base of our currency and contractions in its quantity, which necessarily made the superstructure totter. At any rate, if the system were correct, it ought to be carried out to its fullest extent; if not, it ought to be altered. He must complain of words introduced by Ministers into the Speech from the Throne, in which it was stated that the Government letter was issued on account of the distress occasioned by the recent failure of joint-stock banks in Scotland and elsewhere, instead of stating, as it ought to have done, that it was in consequence of the drain of bullion to the Continent and to America, which had raised the rate of discount at home, and thus produced general alarm, and which, if it had been allowed to go on, would have ended in the total suspen-

sion of cash payments. He saw several Directors of banks present, and he asked them if they admitted the truth of those serious aspersions which had been thrown upon joint-stock banks, not that he wished to stand up altogether for the mode in which those banks transacted their business. It had been said in another place that those joint-stock banks now held deposits on call, or at such short notice as to be virtually on call, to the extent of £35,000,000 sterling, the greater part of which was out in the discount of bills of exchange. Now, this statement, if true, and he believed it was true, was calculated to produce serious alarm; but he did not think the Directors of the Bank of England were exactly the parties to complain, unless it was that, as they paid no interest upon their deposits, they might perhaps have conceived some animosity against the joint-stock banks who did, and so attracted some of their depositors from them. But he would like to know, if the directors of the joint-stock banks had not offered a high rate of interest on deposits during the last three months, how many more bank-notes and sovereigns in this country would have gone to hoard? Nothing could be more disastrous in a monetary pressure than a system of hoarding; and if there was one thing more than another which had prevented a part of the circulation of this country from going to hoard, it was the high rate of interest which all through this panic had been offered by the joint-stock banks. He did not know that he need go into the general subject here; he understood they were to have another discussion upon it, and he would reserve his views on the general question for that opportunity; but he had risen to testify his disapprobation of the course which had been pursued of throwing the blame of the recent crisis, and other monetary crises, upon the mode of conducting the commercial affairs of the country; as if the merchants and manufacturers of this country had lost that astuteness for which they were so famed; and seeing so many commercial men present he wondered that none of them had risen before this time to disclaim the insinuations that had been thrown upon their class. For himself he wished to state that he did not want an extension of the currency. He did not care whether the limit of the legal tender was £14,000,000, or £16,000,000, or £20,000,000. What he wanted was, that something should be made a legal tender that would be available at all times to the commercial classes of the country as a medium of domestic interchange. But they told him that that would be inconsistent with the convertibility of the bank-note. No doubt it was, according to the present system. They adopted a system which obliged the Bank to buy gold, however plentiful it might be, at a given price. The Bank took a large quantity, and then the consequence was, that it had an immense amount of notes in reserve—sometimes as high as £14,000,000 or £15,000,000. What was the Bank to do, if they were to consider themselves only in the light of private bankers? They went into the market and competed with the other banks in thrusting accommodation upon trade, and a very few months had elapsed after the passing of the Act of 1844 when the rate of discount was actually lowered to 2 per cent by the competition of the Bank of England with the other banks. Now, what was the natural course of things under those circumstances? The low rate of discount made money easy, and the manufacturers and others finding money easy entered into great speculations and gave great employment to labour, and raised the rate of wages. High wages increased consumption—that raised the price of food; that again gave a stimulus to imports; the increase of prices raised an obstacle to the increase of exports, and then, when the country had got into the unsatisfactory state of a diminution of exports and an increase of imports, a drain of gold was the natural consequence, and how was that to be stopped? Under the present system there was no means of stopping it but by ruining our manufacturers and commercial men. Foreign merchants found our goods too dear, but gold was always at the same price; and, therefore, they took away the gold, and when it was away it could only be brought back again by forcing our manufacturers to part with their goods at prices which were absolute ruin to them, as the only means of obtaining the means of meeting their engagements. The country ran through this vicious circle every eight or ten years, but still men cried up the system, though he believed it was the system, and the system only, that was to blame. It was not to be supposed in these boasted days of intellectual advancement that our commercial classes, or bankers, were not as intelligent and sagacious in the pursuit

of their calling as they ever were. They would not trust now more than they ever did any man without some security. He believed Lord Overstone stated to the Committee of last Session that he had, as a banker, been in the habit of trusting men without security, and that he had made his fortune in that manner; but he would like to know what the Chancellor of the Exchequer would say to any firm that came to him for assistance in a monetary crisis, who it appeared had been lending its money without security? He must say that, having paid long and anxious attention to this subject, he felt heart-broken to see these periodical convulsions taking place, not from any inherent failing in the high qualities of that Anglo-Saxon race of which our commercial classes were composed, but which arose—it might be seen as plain as the sun at noonday—from that vicious circle in which the low rate of discount which shortly supervened after a monetary crisis stimulated speculation, and the employment and temporary prosperity of the working and commercial classes, the increased consumption arising out of which drove the gold abroad, and then, with malicious forethought, was brought about commercial ruin in order to get it back. He had seen that circle run over and over again of late years; and he had repeatedly in Committees put the question to the Governors and Deputy Governors of the Bank. Did not the system mean this, that if the gold had gone abroad, the only means of getting it back again was, by putting on the screw, to compel the English manufacturer to sell his goods at a ruinous price in order to induce the foreigner to buy them with the gold which was thus brought back again? He thought it was really high time now that they should substantially inquire into the system rather than into the mere mode of working it. Were these catastrophes necessary? His firm belief was that they were not, but perfectly gratuitous. Right hon. Gentlemen opposite always appealed to gold as a natural standard of value. But was gold at £3 17*s.* 10½*d.* per ounce such a natural standard? A standard of value was in nature; but gold had nothing in it by nature to constitute a standard. The only natural standard was explained centuries ago, by no less a man than Aristotle, who laid it down that the real standard of value was want, necessity, or the demand for things arising out of human craving or taste. Thus the general demand for food, clothes, or shelter, constituted value, and the degree of value consisted in the rates of the demand or necessity for them; at least of all such things as Providence did not gratuitously supply. Demand was thus the origin of trade and standard of value. Such being the standard, labour was the measure; for it depended upon the amount of labour employed in producing objects of demand what should be given for them, that is, how many days' labour. Of this measure—labour—gold was the conventional representative merely. But in this country it had only been so since 1816, when Parliament prescribed that the pound sterling should always consist of so many grains of gold. Anterior to this, that is, before the Bank Restriction Act of 1797, the pound sterling was constituted of the coin of the realm—gold or silver—and if worn, it was seldom, if ever, exported; and thus a legal tender was preserved. But now this coin was nothing; and, the sovereign being of full weight, the slightest change in the foreign demand for it caused it to flow out, and leave us without a base for our currency. Trade, we were told, was a state of barter. It was all very well to say so, and it was true as regarded our foreign transactions; foreigners cared nothing for our coin or currency. But at home we had an artificial and complicated credit system, which required always the presence of a legal tender to liquidate them. Let it not be supposed he wanted to expand the amount of the legal tender. He wanted nothing more than this, that we should have a legal tender that did not vary in quantity, one on which our commercial classes could always depend on finding when it was required. Now, when most wanted, it had gone to some other country. What we really wanted was a steady unfluctuating base for our credit system, which our present law did not afford; at times we had virtually no base of value. In easy times our system worked well enough; paper floated freely, our manufactures went out, and gold came back; but directly an adverse exchange arrived it became difficult, and next to impossible, to realize the liquidation of transactions for want of a medium to do it. He was far from wishing to dogmatize or to dictate on those points, but really those convulsions now happened so periodically and so frequently that he thought they ought to arrest the attention of every man in the country. It was so far satisfactory, that neither the noble

Lord the Member for London, nor the noble Lord the Member for Tiverton, was prepared to push this system to its extremest limits. But there were men in the country who held very different language. There were writers in powerful public prints, supporters of the general policy of the noble Lord, who held different language, and who were discontented with the noble Lord because he had not carried out their principle to the full; they wanted a rate of 20, 30, or even 50 per cent to be exacted before the noble Lord interfered. Indeed, they would not have the noble Lord to give way at all—perish commerce rather than yield up a crude pragmatical dogma. Now, suppose such a man had been at the head of affairs in the recent crisis—Mercator, for instance—was it right the country should be left to such a chance? There would have been one universal collapse over the whole country, and not the Bank of England only, but every commercial establishment, would have been compelled to suspend amidst immense real wealth, in the vain effort to make the minor comprehend the major. That was the reason why he was opposed to the present system—it was impracticable; it could not be carried out, but in the attempt to carry it out, hecatombs were fruitlessly sacrificed. His own opinion was, that it was not the banking system which produced these periodical convulsions, but the system by which the banks were governed. They asked the commercial classes to do that which, when the commercial atmosphere was clear, they could do; but the moment there was "a cloud no bigger than a man's hand," then came the difficulty — then came the pressure and the panic, and the commercial classes could not do that in the hurricane which was possible in the calm. What he wanted was, that all liabilities in the country should be convertible into some legal tender. He did not care whether it was gold or not—they might make it dearer if they liked; but he insisted that the counters should not be allowed to disappear at the very moment when they were wanted to fulfil the conditions of the game. Therefore it was that he was opposed altogether to the present system. With regard to the present Indemnity Bill, while he approved of its object, he should have been better pleased if the interference could have been earlier, and if more sympathy had been shown towards the commercial classes, and if the convulsions had not been entirely charged upon them and the joint-stock banks, seeing that this terrible visitation had been more probably proximately brought about by the frightful state of mercantile suspension in that country which was our largest customer; coming, as that suspension did, at the heels of a long-continued drain of bullion, which had previously created alarm from the dread of the base of our circulation being entirely withdrawn, and of there being left no legal tender wherewith to liquidate our hundreds of millions of commercial and other liabilities. We had got our notions so embedded in the groove of the virtues of a metallic currency, that we had come to take for granted that it was a virtue in a metallic currency to fluctuate in quantity, instead of a vice, which it was; just as it would not be a virtue, but a vice, in a standard measure of capacity or length, to expand or contract with every variety of temperature. And we must needs persuade ourselves that it was necessary to imitate that vice in our mixed paper and metal system. Whereas it was nothing but a vice so far as trade was concerned, and so great a one as to make it doubtful how far the metallic system, as at present constituted, was worth the price this vice made us pay for it. It was this vice that lay at the bottom of all our present trouble, and it was worth the best attention of the House to correct it.

Mr. CONINGHAM said, he did not rise to oppose the Bill of Indemnity—far from it; he thought the country was highly indebted to the noble Lord at the head of the Government for the manner in which he interposed at a critical conjuncture, and relieved the country from a crisis which threatened it with a frightful convulsion. He regretted only one thing, and that was, that the Government had not gone beyond a mere Bill of Indemnity, and proposed to abrogate the law of 1844, which, though not the cause of the recent commercial distress, had yet most seriously increased its severity. He listened attentively, the other evening, to the clear and lucid statement of the Chancellor of the Exchequer—the diagnosis of the disease; and he thought the right hon. Gentleman gave up the whole case for the Act when he admitted that the panic was produced by the attempt to limit the issues of the Bank. The argument of the noble Lord the Member for the City of London, who had the other night declared himself to be the warm advocate of the Bill

of 1844, and indulged in some declamation upon the great principles of the currency, was surprising. He referred to the three great panics of 1825, 1847, and 1857. In 1825 he admitted that the Bank was run out to within £100,000 of its last sovereign. But what was the remedy applied then? Why, the noble Lord admitted that it was the issue of paper. That restored confidence, and gradually brought back the gold to the coffers of the Bank. In 1844, the Bill of Sir Robert Peel passed. That illustrious statesman took up the theory upon which it was based too hastily; but that theory was based on a fallacy, which sooner or later must be exploded. Well, three years after, in 1847, another panic occurred, and what again was the remedy for it? Not the restriction of the paper circulation, but its extension. Again, on that occasion the remedy did not fail. In 1857 another panic occurs, and again there was no restriction, but an extension of issues, and he for one only regretted that there should have been any check placed on the larger and further extension of the paper issues of the Bank by depriving the Bank of the profits arising from it. To show to what extravagance theories might be carried the Chancellor of the Exchequer had quoted the opinion of a Governor of the Bank, who stated in his evidence before one of the Committees, that the remedy for panic was—what? why, not relaxation, but the contraction of the issues, though he doubted whether it was worth while to apply the remedy. He (Mr. Coningham) thought it behoved the country to take this matter into its most serious consideration. It was not merely the truth or falsehood of a theory that was at stake, but it was the very existence of a large number of fellow-subjects which was compromised by the attempt to carry out a theory, which, he repeated, was based on a fallacy. It was perfectly certain that the only check, the only necessary check, to limit the issues of the Bank was, that the notes should be for not less than a certain sum and payable on demand. It had been clearly shown that while such a security was enforced, bank-notes did not necessarily influence exchanges or prices, and that being so it was of the utmost importance to the trade and commerce of the country that, in times of panic, there should be a large extension of its issues from the Bank of England.

Mr. MALINS said, the Bill met with his cordial approbation, and he thought Government deserved great praise for having issued their letter of the 12th of November. He only regretted they had not done it sooner; and he could not omit taking this opportunity of expressing his regret that the Government had failed in the great duty they owed to the country, by allowing Parliament to separate last Session without arming themselves with the power of meeting this emergency, which to his mind was, even at that time, clearly impending. His professional engagements did not permit of his giving the same attention to those questions which might well be exercised by commercial men. Yet he did warn the Government of what was coming so early as February last, and again in May, at a time when the reserve of notes was reduced to about £3,500,000, and the rate of discount was at 6½ per cent. He then pointed out to the right hon. Gentleman opposite, that if the gold went on diminishing a stoppage was inevitable. How was he met? He was told, as we were always told, that the worst was past—that the danger was over—and that no cause existed for alarm. He was, however, so far from being satisfied that he pledged himself to submit a Resolution on the subject to the House before the prorogation, if, in the meantime, there was no amendment. In June the rate of discount was reduced to 6 per cent; in July to 5½, and the reserve had risen from £3,500,000 to £5,000,000. The consequence was, that, as he knew the apathy with which these subjects were always received in the House, when there was no immediate pressure, he felt that it would be useless to make his Motion. But now that the disaster had occurred, and general attention was riveted to the question, he hoped the result would be to put a final end to the present system. The right hon. Member for Buckinghamshire (Mr. Disraeli) had already pointed out how heavily the blow fell upon those who had not been relieved in time, compared with those who would have fallen too but for the relief afforded by the Government letter. He, for one, confessed that he was surprised the Government had not thought it proper to interfere earlier. Long before the 12th November there existed sufficient cause for the interference of the Government, and his belief was, if they had not issued that letter, beyond all possibility of doubt the Bank of England would have been obliged

to stop payment. It was said they might have saved themselves by stopping discounts; but to stop discounts would be equivalent in the commercial world to the stoppage of the rising of the sun in the natural world. His immediate object, however, in rising was to express his regret at one portion of the contents of this Bill. It was provided that the Bank Charter Act should be suspended for twenty-eight days after the next meeting of Parliament; but then it was accompanied with this reservation, that the rate of discount should be continued at 10 per cent. If the rate fell below 10 per cent then the limit fixed by the Act of 1844 was to be resumed. Now, did the right hon. Gentleman consider what an amount of misery this threw, not upon the large commercial houses, but upon the moderate tradesmen and small farmers who in the course of their business required accommodation? The rate of 10 per cent had reference only to first-class paper; but men with moderate capital and straitened in their means would be required to pay from 15 to 20 per cent, and yet their paper, although not first rate, might be perfectly safe. With such a rate of discount, as Mr. Chapman had informed them, no new commercial speculation would be undertaken in any quarter; and what were the small farmers and tradesmen with moderate capital to do? If it was right to have any limit at all, why not preserve the Act of 1844 intact? But now that the attention of every man in the country had been directed to that measure it was seen that the present state of things could not be maintained, and he trusted, therefore, that the right hon. Gentleman would reconsider this part of his proposition and not clog his useful measure with a proviso which would make the Bill no boon whatever to the middle traders in the community.

Mr. CROSSLEY said, the hon. Member for the North Riding (Mr. Cayley) had asked why the commercial men had not risen to express their opinions on this subject. Though he had been engaged in commercial affairs all his life, yet he approached this question with great diffidence, because he felt all its difficulties. It was easy enough to find Gentlemen who professed to understand all the ins and outs of the question, but he had not yet reached that climax. He was not, however, ashamed to confess that he was only a learner, and it was very possible that he might hear arguments in the course of this discussion which would induce him to change his mind. From the tone of the speech of one right hon. Gentleman, the Member for Buckinghamshire, it would appear that he supposed that he had got the Government into a regular fix, from which there was no escape, and that because they had violated the laws of the realm without the consent of the Governors and Directors of the Bank of England. What was the Bank of England? It was a joint-stock bank, with certain privileges, and it was very unlikely that that bank would come to Government and ask them to issue more notes when their gold was low. He thought that great credit was due to the Government in having determined to suspend the operation of the Bank Act without compulsion from without. The Government were indeed more awake than the commercial men, for in the north it was never expected that the crisis would have proved so severe as it had done; and all the merchants and manufacturers he knew felt very much indebted to the Government for stepping in at such a critical time and saving the country from the disasters with which it was threatened. It was important to observe that the right hon. Member for Oxfordshire (Mr. Henley), who was a colleague of the right hon. Member for Bucks, was so far from thinking the Government deserved to be impeached for what they had done, that he said they would have deserved to be impeached if they had not broken the law. Hon. Members of all sides of the House were agreed that whatever paper currency we had must be convertible into gold. He did not approve of all the details of the Bank Act of 1844, but he would admit that in the main it had accomplished its objects. It had prevented the excessive issue of paper, and had insured its convertibility into gold—two most important objects. It was said that it lit the candle at both ends, because it restricted the issue of paper when gold went out of the country. This was an evil, but the least of two evils. Suppose that when the gold went out the Bank went on issuing notes. It was quite clear that no alteration in the rate of discount would take place in this country while it was advancing elsewhere, and the drain would go on until we had not a sovereign left. A good deal had been said as to the quarter in which a discretionary power of suspending the Act of 1844 should be vested. Some persons

proposed to leave the power of authorising an issue of notes above £14,500,000 with the Government. The hon. Member for Kendal (Mr. Glyn)—no mean authority—would give it to the Directors of the Bank of England. He had a strong dislike to leaving so much power in the hands of any men, and it would be for the House to consider whether some elasticity might not be given to the Act so as to make it self-acting. It was a great evil that money should be too cheap, as well as too dear. A few years ago discounts were at 2 per cent. Now 5 per cent was about a medium rate, and it might be worthy of consideration whether, instead of leaving the relaxation with the Government or the Bank of England, the issues of £14,500,000 should not be reduced when discounts came below 5 per cent, and increased when the rate of discount rose above that amount. If, as was but too probable, a time should come which no Act of Parliament could provide against, the Government would still be able to resort to the extreme remedy of relaxing the law. He thought that Parliament ought not to allow this opportunity to pass without making Bank of England notes a legal tender in Scotland and Ireland. It was a great evil to see gold leaving London for want of such a provision, on the foolish errand of preventing a run upon the Scotch and Irish banks. There ought to be only one bank of issue, and the Bank of England might as well have that privilege as any other bank, under proper regulations. The Directors of the Bank of England ought to be paid for the trouble they incurred in transacting the Government business; but the entire profit arising out of the note circulation ought to go to reduce the taxation of the country, and should not be enjoyed as a monopoly by any body of men. He was in the United States two years ago, and when a thousand miles west of New York, at Chicago, he found that a short time before there were only eighty-five miles of railway west of that city, but it was expected that within two or three years it would be increased to 5000 miles. He was convinced from what he saw there that too much capital had become fixed in railroads, a great deal of which had gone from this country. The same construction of railroads had gone on in Europe, and it was this absorption of capital faster than it was made which had to a great extent caused the recent crisis. In the long run things would come round, but it was the duty of Parliament as far as possible to remedy the evil and provide against its recurrence.

Mr. PHILIPS said, that he differed from many persons, inasmuch as he regretted that the letter of the Government to the Bank had been issued, although he believed that in doing so they did what they thought best to alleviate the commercial distress which prevailed. In discussing this question they ought to look to the causes of what occurred. To him it appeared that the causes of the commercial distress were three in number. First, the action of the wars in Russia and in India on commerce; secondly, the conduct of certain banks at Liverpool and Glasgow; and lastly, the conduct pursued by the great bill-broking houses of the City of London. He, as a commercial man, was grateful to the Bank of England for what they had done in raising the rate of discount a year and a half ago, and he believed that if they had been allowed to pursue that stringent line of policy it would have diminished a great deal of the suffering which now existed. Contrast the conduct of the Directors of the Bank now and in 1847. They never raised the rate of discount in 1847 till the last moment, and even then they did it in a very sudden manner; and what was the result? No less than six of the Directors of the Bank succumbed in 1847 to the difficulties of the times. The Bank, however, stood in happy contrast in 1857 to its condition in 1847. If the conduct pursued by the banks of Liverpool and Glasgow was considered, he believed that the commercial world had good grounds of complaint against them for lending out their means to men of capital, and thus enabling them to enter into all kinds of speculations to the infinite detriment of those who were seeking an honest livelihood and carrying on a sound trade in the same lines of business. He regretted to see the banks in Glasgow calling public meetings in that city, and saying that their misdeeds were only accidents. He only trusted that by no accident would those banks be restored to a position to pursue the same course of conduct. Then look at the system of bill-broking in the City of London. Who and what were the bill-brokers? They were a class of men who received and used the surplus capital of bankers. He (Mr. Philips) did think bankers ought to take care where they placed the money of persons who com-

mitted it to their care, or at any rate to keep such a reserve by them as would suffice to meet all demands that might be made upon them. The money pressure in London became so great in the last two months that the bankers felt it would be dangerous to go on any further in this system; but the moment the news was known that the Government had taken a step to relieve the commercial interests, all the speculations in produce received a fresh impetus, and he, as a manufacturer, felt whatever took place that affected the working-classes and those who supported them. He admitted that there had been a fall in silk, wool, and cotton; but had a different course been pursued the effect would have been that instead of mills in Lancashire working short time, prudent manufacturers would have got their produce cheap, and so have been enabled to work their mills full time. But the act of the Government had prevented this, and manufacturers were in a state of uncertainty whether prices would be higher or lower. He was aware, however, that there was only a choice between two evils, and he made these remarks in no spirit of hostility to the Government, who did what they thought best for the commercial interests. With regard to the currency, he held to the opinions of Lord Overstone. He wished to see the working-classes paid in sovereigns, and that there should be no issue of notes except by the Bank of England, with a reserve of sovereigns for every note. He remembered an incident which took place in Manchester in 1819. Some of the most respectable bankers determined to issue their own notes. On this a meeting of merchants took place, presided over by the late George William Wood, Esq., and a resolution was passed by the merchants of Manchester, that they would return the notes of those banks daily. The consequence was, that the banks did not issue their notes, and although at the time the bankers were annoyed by the conduct of the merchants, in 1825 thanks were given to Mr. George William Wood by the bankers, for the efforts he made to prevent the issue of notes, the effects of which would have been severely felt. He hoped that the banks of Glasgow would see the effect of the course which Manchester had pursued and follow their example respecting the local issue of notes, as, in a country like this, everything depended on the strictest mercantile honour.

Mr. NEWDEGATE remarked, that the hon. Member for Bury, who had just sat down, had expressed the opinions of a high authority in favour of the Act of 1844, as tending to depress the price of manufacturing produce. He should have thought that the Manchester men must have found from experience that a forced reduction of price tended to limit production. Great anxiety had been expressed as to the production of cotton. For himself, he could not condemn the act of the Government, if it prevented an unnatural depreciation of the price of cotton, and if it did not tend to check the production of that staple article. He wished, however, to call the attention of the right hon. Gentleman the Chancellor of the Exchequer to the question of the hon. Member for Evesham (Sir Henry Willoughby). The hon. Member had asked whether there had been any direct interference on the part of large capitalists, who, by demanding notes for the purpose of speculation, and then shutting them up, had affected the markets by their operations. The Bank of England deserved great credit for the manner in which it had conducted its business during the pressure, and it was important to know whether it had had difficulties to contend with which it had not formerly had. In the present state of circumstances, when there were enormous masses of capital accumulated in few hands—when it had been proved, by probates of wills and otherwise, that instances were not uncommon of individuals being able to command £2,000,000 or £3,000,000—when there were joint stock banks able to command vast amounts—when there was the one house of Rothschild, with five houses on the Continent, said to be capable of jointly commanding £30,000,000 for acting on the Exchange, it was essential to the public safety that there should be some establishment like the Bank, which, actuated by motives of public spirit and supported by the Government, should be able to meet cases like the present, and thus prevent the monetary and financial position of the country being tampered with by extraneous action. The House ought to know whether any difficulty with reference to these large capitalists had arisen, for if it had, that would be a double justification of the Government for issuing the letter in question. He approved of the issuing of that letter, and thought that the circumstances in

which the country was now placed fully justified the course which had been pursued. He thought this question was now ripe for legislation, and he concurred with Mr. Chapman that something of the nature suggested in the evidence he had given before the Committee ought to be done. He thought also some understanding must be come to with the Bank, which should prevent the reduction of the rate of interest at that establishment below 3 per cent. Whatever amount of bullion and of reserved notes they might at any time hold, he was convinced that when the rate of interest was reduced below 3 per cent, that very speculation was stimulated which every commercial man now condemned, and which the monetary laws so severely avenged in periods like that of the present crisis. The reserve of notes ought not to be used by the Bank, if it could be avoided, to reduce the rate of interest to so low an amount as to stimulate undue speculation. Now that capital was accumulating in such large masses, if, according to the proposal of Lord Overstone, the Bank were further limited and the banking and issue departments totally separated—which indeed he (Mr. Newdegate) held to be impossible under our present system of mixed circulation—but if such a separation were effected, and the Bank Directors regulated their discount transactions purely with a view to the interests of their own proprietary, the result would be, one or two of the great capitalists could absolutely command, at all periods of pressure, the rate of discount, and the supply of currency for the country. There could not be a more important question than the state of the currency, because the value of all kinds of property was affected by it. The Bank ought to be supported in the course it had pursued, but the Government ought to devise means to guard against the recurrence of circumstances which would give large capitalists an undue command over the currency. He believed that they might safely introduce into the Act of 1844 a principle of elasticity which would probably obviate the necessity of interfering with it in future. It was most unbecoming and most unconstitutional to have a law on the Statute-book which frequently required the unauthorised and extraneous interference of the Government, more especially when it was a law which so deeply affected the value of every man's property as the Act in question.

MR. BUCHANAN said, he would not have interfered in a currency debate if reference had not been made to what had taken place at Glasgow. He hoped the House would grant him its indulgence for a few moments while he endeavoured to put himself and his constituents right with regard to some imputations made against them. He should not have thought it necessary to notice what had appeared in the public prints, but when the noble Lord the Member for London, in the debate on Friday last, said that the people of Glasgow held wild and revolutionary opinions on the subject of the currency, it was high time for him shortly to state what those opinions were. He believed that the opinions of the Chamber of Commerce of Glasgow had been more particularly alluded to. He might inform the House that that chamber was the oldest establishment of the kind in the kingdom; it was founded by gentlemen who were the friends of Adam Smith; it had become a Chamber of Commerce at his suggestion, and it had always been distinguished for the soundness of its opinions on trade and commerce. He felt bound, therefore, to defend it when it was attacked in that House for opinions it was supposed to hold. The noble Lord was too just and too generous to have made such an attack if he had not thought he had grounds for it; but he had taken his facts from the public prints, which was not always the best way of getting at the truth. The first principle which the chamber held on the subject of the currency was, that the paper issue ought to be convertible into gold. They also held that there could be nothing more injurious than an over-issue of paper; and went even further, and held that paper, being convertible into gold, could not be issued in excess. They also drew a distinction, very often lost sight of, between currency and capital. No doubt the derangement of the currency had affected the circulation during the suspension of cash payments, but during the suspension of the Act in 1847, and also in 1857, the circulation remained uninjured, and had not been affected by a rate of discount of 10 per cent. They must, therefore, regard the commercial crisis as one that had arisen from causes affecting credit, and not at all connected with currency. He believed the Act of 1844 had been most bene-

ficial so far as it had ensured the convertibility of the note, and had prevented an excess of paper money. To that extent every one must approve of it. He must, however, admit that he agreed with the hon. Member for Kendal (Mr. Glyn), that it had aggravated the present panic, if it had not caused it, and that credit and confidence had been very much affected by the action of the Bank. Men looked at the hand of the dial, they saw the catastrophe coming, and every one prepared himself to meet it, as best he could, by drawing his resources together. Such were the opinions of the Glasgow Chamber of Commerce on the subject of currency and the present crisis. He wished to take that opportunity of noticing the position which had been assumed by Glasgow in reference to the banks which had suspended payment. He did not mean to attempt to vindicate the conduct of the managers of those banks. He admitted that their management had been exceedingly defective, and that they had been imprudent in the highest degree; and if he should have the honour of having a seat in the House when the question of Scotch banking and provincial banking generally was to come under discussion, he would have much pleasure in giving his assistance in amending the system. He felt that there were abuses to be remedied in the Scotch banking system, as, for example, the practice of rediscounting in the London market, the lending on the security of their own stock, the giving excessive accommodation to persons who were not deserving of it, and, above all, the system of keeping very small reserves, or no reserves at all, with their London bankers. He did not feel ashamed of having taken part in a meeting which had been convened in Glasgow, not for the purpose of supporting the Western Bank, but for the purpose of restoring public confidence, and putting an end to a panic in the West of Scotland, which the stoppage of that bank had produced. That was, he felt assured, the object contemplated by the noblemen and gentlemen who had assisted at that meeting. He for one should be glad to see that bank re-established, because he knew that such a step would be productive of a vast amount of benefit to a large class of individuals. The Members of that House were not, perhaps, generally aware of the many branches of that bank scattered over Scotland, but he felt interested in its fortunes mainly on account of its being the depository of a great amount of family money and family settlements belonging to the widows and orphans who would be affected by its overthrow. He believed that, inasmuch as the partners in that bank were men of undoubted wealth, and considering the severe lesson which its directors had recently received, it would, in all probability, be henceforward conducted on prudent principles, and a vast amount of good might be accomplished by its restoration. It had been made a subject of accusation against him that he had said the ruin of that bank had been brought about by an accident. But it was to the stoppage of the City of Glasgow Bank, and not to that of the Western Bank, that he had applied that language. He should add that he still believed that the former had been overthrown by an accidental combination of circumstances which might have overtaken any banking establishment, and by which almost any such establishment must have been compelled to stop payment. He believed, too, that that bank was perfectly solvent. He would next address a few words to the House on the subject which they had then under their immediate consideration. He thought that the regulation of our currency under the Bank Act of 1844 was attended with great advantage to the country. In his opinion a great public benefit was gained by the convertibility of the bank-note, and the certainty that that convertibility would be maintained. But the process by which that object was obtained was occasionally worked out at the cost of severe suffering to the mercantile community. That would be evident to any one who considered the rate of discount at such a period as the present, and what were the average profits of trade? He believed that those profits were not as high as the present rate of discount, which stood at the minimum of 10 per cent. All permanent investments in this country were made at a rate of about 4 or 5 per cent interest. Now, if they were to have those frequent returns of high rates of discount, it appeared to him that it would be necessary to reconsider the fundamental conditions of all the monetary arrangements of the country. It was impossible that trade could be profitably conducted on its present terms and with the rates of interest which had prevailed during the last few years. It would be worthy of a statesman to invent some

means by which the constant recurrence of —he might almost say—ruin might be warded off. Many palliations might be found, and one of these, he believed, was about to be proposed by the right hon. Member for Buckinghamshire—that was, to allow the Bank Directors to step in and relax the stringent provisions of the Act of 1844 whenever they might think it desirable. If that power were committed to the Government it was most probable that it would not be employed until after some of the most eminent firms in the country had succumbed, when the Government might be led to believe that they would be justified in interfering. But if such a discretion were confided to the Directors of the Bank of England, there would exist this great chance for its proper exercise, that the Directors would be in constant communication with the mercantile community, and would be thoroughly acquainted with their position and their requirements.

Mr. KIRK said, he was glad to perceive that every one who had spoken upon this subject had agreed on two points—that the bank-note should always be payable in gold, and that the Act of 1844—having been twice broken—could no longer be maintained. The convertibility of the note, it must be remembered, was not dependent upon the Act of 1844, but upon the Act of 1819. The introduction of the Act of 1844 had not in any way added to the convertibility of the note; and when it was proposed to confer upon the Bank Directors the power of relaxing the operation of that Act whenever they thought necessary, it appeared to him that it would be very much better to abandon the Act at once. He (Mr. Kirk) contended that the Act of 1844 was founded on two fallacies. In the first place it was intended to stop over speculation and over trading —an object which it had signally failed to accomplish; because it was under the operation of that very Act that all the undue speculation and over-trading to which the present panic was to be attributed had occurred. The other fallacy was the supposition that but for some such Act as that of 1844 there would be an over-issue of bank-notes. That that was a fallacy was proved by reference to Ireland. In that country there was a perfect freedom of trade with respect to the issue of bank-notes, the only limit being that no note should be issued for sums under £1, or for any fractions of a pound. Was there therefore, however, any over-issue of notes in Ireland? Quite the contrary. It would be as impossible for any bank in that country to issue and to maintain in circulation an undue quantity of notes as it would be to force a quart of water into a pint bottle. The moment an over-issue was made by any one bank the notes passed into the hands of other banks, who immediately called for gold, and insisted upon the convertibility of the notes. Any over-issue, therefore, was out of the question. There was one remarkable failure of an Irish bank—namely, the Tipperary Bank; but hon. Members should bear in mind that that was the only bank in Ireland that issued notes not its own. It issued notes of the Bank of Ireland only. That, therefore, was no argument against the position which he had laid down. Although, no doubt, there had been some over-trading in Ireland, there had been no such thing as a crash, and the only reason that gold was required in that country was from the fact of the Scotch banks failing, and that some of their notes had found their way into the North of Ireland, thus creating distrust and a slight run on some of the Irish banks. When capital was abundant encouragement was, as everybody knew, given to speculation; but it did not necessarily follow that the currency increased. The returns of the Bank of England and of the joint-stock banks of England and Ireland showed that when the greatest amount of trade was being carried on (and during the last year trade was carried on to an unprecedented extent), there was little or no increase in the currency, for currency was one thing and capital another. The grand error of the Bank Act of 1844 was to apply an unyielding and invariable rule to that which was of a most fluctuating nature—namely, the currency of the country. Every person engaged in trade, as was well observed by the preceding speaker, took care to limit his transactions whenever he observed a decline in the Bank reserves, upon which he kept a watchful eye. It was supposed that the tendency of the Bank Act of 1844 was to retain the gold in the Bank of England. He spoke in the presence of some of the Directors of the Bank, and they, he believed, would admit that it was by the raising of the price of discount, and not by means of the Act, that that object was effected, because by that process money in England was made as dear as in any other country, or

dearer. If the Bank of England had continued to charge a low rate of discount, such as 5 or 6 per cent, when the rate at Hamburg was 9 or 10 per cent, the consequence would have been that the gold in this country would have gone over to Hamburg. The raising of the rate of discount to 10 per cent was the only mode by which it was possible to retain the gold in this country, and the Bank of England acted very properly in raising it to that amount. He thought the Government acted wisely in issuing their letter to the Bank, for if they had delayed that measure for twenty-four or forty-eight hours longer, the Bank of England could not have paid its deposits any more than any other bank in the country. He hoped, therefore, that this Indemnity Bill would receive the cordial and unanimous approval of the House. In reference to what had been said as to the depreciation of Bank of England notes, he would remark that at no time within his memory had there been any such depreciation. He had paid close attention to these matters for several years, and had found that the Act was harmless as long as it was inoperative, and mischievous whenever it was acted upon. He knew that in 1847 it stopped the whole trade of the country, and, in fact, aggravated all the evils under which the country was then suffering. The question seemed to be this,—would the Bank Directors use the necessary caution without the compulsory enactments of the Act of 1844? He, for one, believed they would, and that any Act similar to that of 1844 must necessarily do harm rather than good. He was aware that it was thought to be dangerous to permit joint-stock banks to receive deposits and re-lend them. He was of exactly the opposite opinion. He thought that under good regulations and good management the greatest boon to a country was a well-regulated and sound joint-stock bank; because it received the savings of the people which they could not use in trade, and re-lent them at a profit to those who could. That process made the whole capital of the country available for manufactures, agriculture, and commerce. He believed that to undue speculation and over-trading alone was the present crisis to be attributed. That speculation and over-trading began in America, and was fostered in this country. After having given much consideration to the question how it could be best allayed, an idea, which he certainly suggested with some degree of doubt, had occurred to him. He thought that, as they put the words "value received" on every bill of exchange, wherever a bill of exchange was drawn, and no value received or accepted, the party so drawing or so accepting should be liable to a charge of fraud. Accommodation bills were a fraud upon the community, and gave the man without any capital at all an unfair advantage over the man who had capital, and who traded honestly. He would require, in addition to the words "value received" at present placed on bills of exchange, that there should be inserted the words "by the drawer," or "by the acceptor," and that all drawers and acceptors to whom no value had really been given should be liable to be prosecuted for the fraud they had committed. He believed that by that measure a check would be put to the issue of a large quantity of those bills known as "kites;" and that the honest trader and sound capitalist would meet with a greater amount of fair play than he had hitherto received.

The CHANCELLOR of the EXCHEQUER: I will first answer the question which was put to me by the hon. Baronet the Member for Evesham (Sir Henry Willoughby), inasmuch as it involves the important question raised by him whether a preliminary inquiry, to be conducted, I presume, by a Select Committee, or by the examination of witnesses at our bar, ought not to be instituted before the second reading of this Bill shall be agreed to. The hon. Baronet asked me whether it was within the knowledge of the Government that there had been a conspiracy or confederacy of certain bill-brokers, bill-discounters, and other persons in the metropolis for the purpose of intimidating and influencing the Bank of England with the view of embarrassing their operations to such an extent as to render necessary the interference of the Government. The answer which I have to make is, that I have no knowledge of the existence of any such combination or confederacy, and, moreover, that having had occasion during this crisis to watch with great closeness all the successive events as they occurred —having had access to authentic information, and having availed myself of it to the best of my ability — I have no belief in the existence of any such conspiracy:—and therefore, unless the House shall have placed before it some more specific and detailed information than the

hon. Baronet was able to bring forward, it does not seem to me that it would be called upon, or, indeed, justified, upon a mere suggestion or surmise of that sort, without any authentic testimony to rest upon, in instituting a solemn inquiry at the bar of this House. Unless, then, the House shall receive some information of an authentic character in that respect, I hope that it will accede at once to the second reading of this Bill. I will now proceed to advert to the questions put to me by my right hon. Friend the Member for the University of Oxford (Mr. Gladstone). He objected in the first place to the manner in which the first clause of this Bill is drawn. He said that the Bank of England not being an official department of the Government, it would not be regular to confirm its acts, and that the only acts which the Legislature could confirm must be those of some Member of the Executive Government. Now, in answer to that remark, I would state that the Bank of England, though certainly not a part of the Executive Government, is entrusted with important functions which are partly of a public nature. It possesses a Charter granted by the Crown, and certain duties are imposed upon it by Parliament and the Government with respect to the currency. One obligation of the Bank of England—an obligation by force of a statutory enactment—has been violated at the suggestion of the Executive Government, and it is on account of that infraction of the law that we have brought forward the Indemnity Bill which is now under the consideration of the House; and I apprehend that there is nothing in the smallest degree irregular or improper in this House confirming the acts of the Bank of England, which involve a departure from the Act of 1844. These are acts of the Company and Governor of the Bank of England which are not in conformity with the statutory obligations imposed upon that corporation; and in framing this Bill the Government were advised that it would be proper to take as a precedent the Act by which the Bank of England was legislated for in the year 1797, when a departure was made from its then statutory obligations. At that time when Mr. Pitt was Prime Minister, cash payments having been suspended by the Bank under a Minute of Council, this departure from their obligations was confirmed by an Act of Parliament, in which there was a clause which referred to the Minute of Council, and which provided "that all acts done by the said Governor and Company of the Bank of England by the direction of, or in pursuance of the said Minute in Council, shall be and are hereby ratified and confirmed." Well, Sir, that, I think, is a sufficient precedent for the phraseology which we have adopted in the present Bill. There is another point which has been raised by my right hon. Friend. My right hon. Friend referred to the issue of the Bank of £2,000,000 from the issue department to the banking department, and he likened that issue to a Government loan, and said that it was of the nature of an issue of Exchequer bills. Now, I confess, with great deference to the accuracy and knowledge of my right hon. Friend, that I cannot quite accede to that doctrine. It seems to me that it is of the nature of an issue wholly different to an issue of Exchequer bills, which are instruments issued by the Government under the authority of Acts of Parliament, and which have attaching to them particular legal incidents; whereas, in this case, all that the Bank has done has been to make an issue of £2,000,000 upon securities, as it is already authorised to do by Act of Parliament. I am aware that these £2,000,000 are in excess of the limit imposed by law, but they are in their nature precisely analogous to the £14,500,000 which the Bank is authorised to issue by Act of Parliament, and therefore I do not see the justice of my right hon. Friend's comparison. My right hon. Friend again wishes to know whether the Government intend to make any and what arrangement with the Bank with regard to the interest upon the over-issues, and whether that interest will be brought to the public account. Now, Sir, as the matter is still in progress, and as the Bank has not yet announced that the excess has been withdrawn, I have not thought it my duty to form any definite conclusion upon the subject, and I think that the House will agree with me that it would not be desirable to come to a final decision until the day shall arrive when the Bank can announce that the issue has returned to the limit which has been fixed by law. These, Sir, are my answers to the questions of my right hon. Friend. But there are one or two other points upon which I wish to make a few brief observations. The hon. and learned Member for Wallingford (Mr. Malins) has expressed an opinion that the

rate of discount ought not to have been fixed at so high a rate as 10 per cent, and he appeared to suggest that it would be desirable to allow the Bank to diminish the rate of discount without putting an end to the present relaxation. Now, in answer to that suggestion, I wish to remark that when the first letter was issued the rate of discount was 6 per cent, and the Government of the day made a condition, in granting a relaxation, that the rate of discount should not be less than 8 per cent. [Mr. Malins: It was a very bad precedent.] Very well, but I was going to remark that we have not quite followed that precedent, and that the element which the hon. and learned Gentleman condemns is excluded from the present Bill, because the Government have not themselves fixed any rate of discount, but have simply adopted that which they found in existence — a rate which was caused by the spontaneous act of the Bank, without any suggestion whatever upon the part of the Government, and which was in existence before the issuing of the letter. All, therefore, that the Government did was to adopt the rate of discount which they found in existence. I certainly will admit that 10 per cent is a very high rate of discount; but when we bear in mind the great importance of arresting the foreign drain of gold, and preventing its renewal, I think that this House and the Government would not be exercising a sound judgment if they did not insist upon a condition that the existing rate of discount should be maintained until a more favourable state of things shall have arrived. There is now only one other point to which I wish to call the attention of the House, and that is to a repetition of a statement which I have heard in other quarters, but which I should never have expected to hear from the mouth of the hon. Member for North Warwickshire (Mr. Newdegate). The hon. Gentleman says that the effect of this issue of £2,000,000 is to alter the value of every man's property in the country.

Mr. NEWDEGATE was understood to explain that he considered the issue a relief, inasmuch as it prevented a rise in the rate of interest, which obviously affected the value of capital.

The CHANCELLOR of the EXCHEQUER: As I understood the argument of the hon. Gentleman, it was, that this issue would depreciate the currency, and would thus affect the value of every man's property, and I was astonished to hear that statement from the hon. Gentleman, because I always considered that both himself and colleague were eminently favourable to a large issue of paper not always guided by the convertibility of the note. [Mr. Newdegate: No.] Well, at all events I believed that both the hon. Members for North Warwickshire desired large issues of paper money, which they appear to think will, in some mysterious manner I cannot at all understand, greatly increase the wealth of the country; and I confess that having made some progress in satisfying those views by authorising the Bank of England to issue in excess for a temporary object, I am disappointed at meeting with so little gratitude from those hon. Gentlemen. When we are told that we are altering the value of every man's property in the country, I presume that it is meant that we are altering it for the worse; because if for the better, then it is not a charge against the Government; and therefore, if I understand the hon. Gentleman correctly, he charges us with depreciating the value of every man's property. [Mr. Newdegate: No.] Well, if that be not the meaning, what is?

Mr. NEWDEGATE said, he had thanked the Government for having acted as they had done, and stated that a rise in the rate of interest must affect the value of capital; but he had not stated that a rise in the rate of interest would enhance the value of other property.

The CHANCELLOR of the EXCHEQUER said, he still thought he had not misunderstood or misinterpreted the hon. Gentleman. That was no question as to the rate of interest, but a question as to the effect of an issue of an extra amount of bank-notes. The hon. Gentleman had distinctly asserted that that issue had altered the value of the property of every man in the country. [Mr. Newdegate and Mr. Spooner: Had improved it.] But if it had improved it, then I presume that the gratitude of each of the hon. Members to the Government will be unbounded; and that so far from being open to any charge, their conduct will be held to be entitled to the highest commendation Perhaps the House will allow me to explain a matter in relation to an argument which has been used by an hon. Member this evening with regard to which there has been as it seems to me some misunderstanding. It was suggested the other evening that the effect of the issue of these

£2,000,000 would be a depreciation of the currency. I said I could not understand how it could be alleged that the currency was depreciated when the notes so issued were receivable at their full value—when every £5 note so issued was received in exchange for five sovereigns at the Bank of England, or when any person in the country is willing to take it at the value it purports to represent. What I understand by the depreciation or debasement of a paper currency is, when the value at which such paper circulates is less than the value which it purports to bear. That seems to me to be the commonly understood meaning of a depreciated currency. I remember once having a conversation with a gentleman who was at Paris during the French Revolution, and who told me that the value of *assignats* was so much depreciated that on going into the theatre you took an *assignat* of 300 or 400 francs out of your pocket and gave it to the check-taker, and you did not think it worth your while asking for the change. These were depreciated *assignats*. If an *assignat* of 300 or 400 francs passed for only 3 or 4 francs, one understands the meaning of depreciation. That is the sense in which I deny that the issue of this extra £2,000,000 of notes has depreciated or debased the currency. But then, it is said, there is another meaning of the word depreciation, and that when the exchanges are adverse—when the value of gold falls in this country, and there is consequently a motive for its exportation to foreign countries, the value of the entire currency falls, and in that sense the currency is depreciated. I do not mean to dispute that the word may be used in that sense. But, then in that sense, be it remarked, the gold of the currency is depreciated just as much as the paper. There is no inequality in the values of the gold and the paper; and that is an alteration to which all currencies are liable in the fluctuation of the values of the precious metals in different countries. It may be an inconvenience, but it is not an evil against which the law can provide. But the depreciation of the currency, in the common acceptation of the term, by which the paper does not pass at its true, legal, and proper value—at the value which it nominally bears—is an evil against which legislation can provide. It seems to me that to confound these two ideas is to confound things essentially different in their nature, and when I denied that these £2,000,000 of notes caused a depreciation of the currency, I used the expression in the commonly received, and not in the other sense.

MR. SPOONER repudiated on his own part and on that of his hon. Colleague (Mr. Newdegate), the advocacy of an unlimited issue of inconvertible paper. He maintained, however, that every note which promised to pay in gold ought to be made to pay in gold. We had a currency purporting on the face of it to pay in gold; and yet everybody knew that that profession was a perfect fraud. ["No, no!"] No, no, was a negative argument, and had no effect on his (Mr. Spooner's) mind. He repeated that the issue of notes professing to pay in gold and trusting that they never could be asked so to pay them was a fraud upon the face of it, and ought never to be continued. He had always argued and still maintained that we could not have a sufficient currency for carrying on the trade of this country by means of paper convertible into gold; and, instead of such a currency, he said, let us openly issue for home purposes a national paper money convertible into everything necessary for home purposes, and a legal tender, enabling every man to pay his debts and his taxes—a paper issued from the public Exchequer, and received again in payment of taxes. Our currency should not be one which foreign events could completely overturn, breaking the terms of every man's bargain without our having any power to control it. Formerly, when our currency was payable in gold, it was payable in gold coin not liable to be exported. It was not a marketable commodity free to be exported, but it was coin stamped and set apart, the exportation of which was prohibited by heavy penalties. That restriction had, however, been since taken away; and hence the essential difference between our gold currency now and the system adopted when that great statesman Mr. Pitt declared that gold should not be our master but our servant, and came forward to adapt the currency to the wants of the country. England was now in the midst of a great Indian crisis, and was she to allow her efforts to be crippled by a question of gold? Let the national security be turned into a currency sufficient to maintain our own local arrangements. Let the Bank issue notes according to their own discretion, and let those notes be payable in gold, and then we should be sure to find a way of preventing a drain of

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gold from this country. That would be a much more legitimate mode than the high rate of discount now adopted to check the drain, and which not only prevented the gold from going abroad, but broke every current engagement between man and man at home. He could not conceive how it had entered anybody's head that the issue of the extra £2,000,000 of notes had depreciated the currency. He cordially thanked the Chancellor of the Exchequer for what he had done, although his course had been attended by two drawbacks, namely, that it was not taken half soon enough, and that it was accompanied by the limitation regarding the 10 per cent. The latter point ought to have been left to the discretion of the Bank.

Mr. INGRAM thought, that if the Treasury had fixed the minimum of interest at 8 instead of 10 per cent it would have been quite high enough. If they wished to draw more gold into the Bank of England they ought to legalize the issue of £4,000,000, or £5,000,000 of £1 notes. He hoped that the Chancellor of the Exchequer would give these two suggestions his best consideration, and take the necessary steps for their adoption.

Bill read 2ᵃ, and *committed* for *to-morrow.*

INTELLIGENCE FROM INDIA.

QUESTION.

Colonel FRENCH said, there was a report in circulation that telegraphic news had just been received by the Government from India, containing information of the relief of Lucknow. If such were the case, perhaps the noble Viscount would take that opportunity of announcing the fact before the House broke up.

Viscount PALMERSTON: In reply to the question of my hon. and gallant Friend, I have to inform the House that a telegram has been received; but it did not come by the ordinary fortnightly mail, but by a vessel which left Calcutta a week later than the date of the last accounts. The telegram states that two convoys of provisions had reached Lucknow; that there had been a good deal of fighting; and that Sir James Outram had been wounded. I cannot help suspecting that this is but an echo of the news we received before, and that it relates to the convoy of provisions that reached Alumbagh, which is three miles from Lucknow. We had heard also that, during the engagements which took place when Lucknow was relieved, Sir James Outram has been wounded; I am afraid, therefore, that this is a mere echo of the news recently received.

House adjourned at half after Eight o'clock.

HOUSE OF LORDS,

Tuesday, December 8, 1857.

THE DEBATE ON THE ADDRESS.

FURTHER EXPLANATION.

The Earl of DERBY: My Lords, in reference to the conversation which took place in your Lordships' House yesterday between my noble Friend opposite (Earl Granville) and myself, permit me to say that even at this moment I am quite at a loss to clear up the contradiction between his statement and mine touching the communication alleged to have passed between the President of the Board of Control and the Peninsular and Oriental Company. I have ascertained to-day that the Managing Director of that Company, on whose authority I made that statement, is still absent in Paris. He has, however, been written to to-day, and I hope by Thursday or Friday, at the latest, I shall be able to throw further light on the matter. I shall then, I trust, either be able to satisfy the House and my noble Friend opposite that the President of the Board of Control labours under some defect of memory on this subject, or I shall be in a position, if it turn out that I have been misinformed, to offer an apology, which I shall do most cheerfully, and which I hope will be satisfactory to the House.

Earl GRANVILLE: I disclaim the slightest wish, my Lords, to impute to the noble Earl any intentional misstatement of the facts in the matter in dispute; but there is some extraordinary misunderstanding on the part of some of the parties concerned, which it would be most satisfactory to have cleared up.

PENSION TO SIR HENRY HAVELOCK.

THE QUEEN'S MESSAGE.

The Queen's Message of yesterday read.

Earl GRANVILLE: My Lords, I have upon the present occasion a peculiarly agreeable duty to perform, in which I am sure I shall meet with the

support of every one in this House; for, after the manner in which General Havelock's name has been received wherever it has been mentioned, there can be no doubt that the House will cordially welcome any reward which Her Majesty may please to confer upon that gallant officer. I am sure also that every one of your Lordships will join with me in regretting that the circumstance of General Wilson being an officer in the East India Company's service precludes this House from marking its admiration of his noble services in the same way as those of General Havelock; for General Wilson has greatly contributed, under Divine Providence, to the successes which we have obtained. With respect to General Havelock, his claims upon the gratitude of the country are great and of long standing. He entered the army some considerable time ago—in 1815—so that he is not now a young man. Shortly afterwards he went to India, and served, I believe, in every campaign, and has been engaged in every principal action in India from 1824 down to the close of the late Persian war. It would be tedious, as it is unnecessary, to enumerate the number of stars and medals which that gallant officer bears upon his breast. Upon his return from the late Persian expedition he reached India almost simultaneously with the fearful outbreak of the Native soldiery which we so much deplore. He was immediately sent to join General Neill, with a very weak column of four regiments, partly Sikhs, and a small body of artillery, commanded by Captain Maude. He marched from Allahabad to relieve Cawnpore, but, as we all know, arrived too late to prevent one of the darkest pages being added to our Indian history. He effected one of the most extraordinary marches to be found in military annals. With his force decimated by fever and cholera, exposed to the effects of the heat at a season during which hitherto it had been considered impossible to move troops in India, he met and defeated the enemy no less than four times, inflicting great losses upon them on each occasion, between the 5th and the 16th of the same month. After leaving Cawnpore he marched to relieve Lucknow, and, after crossing the Ganges, he fought two battles on the 29th of July, one early in the morning and the other late in the evening, and in both again was victorious. However, being encumbered with sick and wounded, and his force very much reduced in numbers, he was compelled to retrace his steps, to recross the river, and to await at Cawnpore the arrival of reinforcements. These reinforcements he received under the command of General Outram, who, I must remind the House, following the distinguished example of the late Commander in Chief, Lord Hardinge, in the Sikh campaign, most chivalrously and honourably to himself confined himself to his civil office, and accompanied General Havelock as a volunteer, in order that that gallant officer might have the credit which so properly belonged to him of having conducted the victorious troops under his command to the relief of the besieged city of Lucknow. His force then consisted of 2,700 men; they again crossed the Ganges, attacked and carried the enemy's position at Alumbagh on the 21st of September, and afterwards fought another battle under the walls of Lucknow. They ultimately arrived at Lucknow, but I am sorry to say that at present we have no information that their efforts have been crowned with that complete success which we all so earnestly desire, the expedition having been chiefly undertaken to rescue some of our helpless countrywomen and their children, who were surrounded by enormous bodies of Sepoys in arms. It must be the first wish of every one that God in His divine providence will permit these gallant heroes to effect their purpose, and that we may receive that information ere long. Our present duty, as your Lordships, I am sure, will unanimously agree, is by every means in our power to testify that we entirely concur with Her Majesty in wishing to do honour to one of her bravest and most distinguished soldiers. I beg, therefore, to move the following Address to Her Majesty:—

"That this House returns Her Majesty the Thanks of this House for Her Majesty's most gracious Message, informing this House, 'That Her Majesty being desirous of conferring a signal Mark of Her Favour and Approbation on Major-General Sir Henry Havelock, Baronet, K.C.B., for the eminent and distinguished Services rendered by him in command of a Body of British and Native Troops in India, and particularly in the gallant and suc-

cessful Operations undertaken for the Relief of the Garrison of Lucknow, recommends it to the House of Lords to concur in enabling Her Majesty to make Provision for securing to Sir Henry Havelock a Pension of One Thousand Pounds per Annum for the Term of his natural Life;' and to assure Her Majesty that this House will cheerfully concur in enabling Her Majesty to make such Provision."

The Earl of DERBY: My Lords, it would be impertinent in me to attempt to follow the noble Earl in the statement which he has just made, especially as upon a former occasion I expressed my high sense of the services of General Havelock. I am happy, however, to have an opportunity of expressing my entire concurrence with the noble Earl in the eulogium which he has so justly pronounced upon General Wilson, whose name I inadvertently omitted to mention when I addressed your Lordships on a former occasion. I should be sorry if, in mentioning the names of distinguished officers, it should be thought that I had intentionally passed over one to whom we are so deeply indebted. I can only say for myself, and I believe I may say on behalf of every one of your Lordships, that we cordially concur in the Address which the noble Earl has moved. If there is one other name which I may venture to mention upon this occasion, it is one to which I adverted upon a former evening—the name of one who I trust still survives, and to whom the thanks of this country are eminently due—I refer to the gallant officer who so long commanded at Lucknow, Colonel Inglis, who, with all the anxieties attendant upon the presence of his wife and children, has nevertheless so nobly fulfilled the duties of his perilous position as commandant of the garrison. I am quite sure my noble Friend will feel that it is only right we should do justice to persevering gallantry under such trying circumstances.

Earl GRANVILLE: I most heartily thank the noble Earl for the cordial manner in which he has seconded the Address. I would only wish to point out, in respect to what has just fallen from the noble Earl, that this is not the proper occasion or place to discuss the distribution of honours, which is the prerogative of the Crown. It will be sufficient for me to remind the House that, although it would be most gratifying to confer honours on the spot where they are earned, yet that when they have to be conferred at home it is necessary for the Government to await complete official information.

At a later period of the evening,

The Duke of CAMBRIDGE, who had been absent when the Address was moved, rose and said: I wish, my Lords, to set myself right with your Lordships with respect to my absence from the House in the early part of the evening, when Her Majesty's gracious Message in reference to General Havelock was under consideration. I am perfectly aware that I am out of order in adverting to that subject now, but I am extremely desirous that my absence should not be supposed to be intentional, and I am sure your Lordships will give me credit for speaking with sincerity when I say that there is not a single Member of your Lordships' House who is more anxious to do honour to so gallant and distinguished a soldier as General Havelock than myself. Many greater campaigns, no doubt, than that in which he has been engaged can be found recorded in history; but I very much question whether an arduous service has ever been performed with greater zeal, devotion, judgment, or discretion by any officer in command of troops than has been within the last few months displayed by the distinguished General whom your Lordships have this evening honoured. Not only have the troops under his command been opposed to very large bodies of Native soldiers, who have surrounded them on all sides, but they have had to contend against one of the severest of climates—a foe equally formidable. It has, indeed, been often stated, so trying is that climate, that European troops could neither march nor fight during the summer months in India. In encountering its severity our troops have had to endure great suffering, but they have, nevertheless, performed their duty nobly. As has been stated to your Lordships, all troops, beyond doubt, look up to their leader; and Sir Henry Havelock possesses, I believe, among other distinguished qualities, that which enables him to induce his men cheerfully to follow him in carrying out any undertaking in which he may desire to embark.

He is beloved by his troops, and therefore the duties which he requires at their hands they zealously discharge. I trust, my Lords, that the service in which he is now engaged will be brought to a satisfactory conclusion. We cannot but look with anxiety for the results which we expect daily to hear; but I doubt not that if that service is possible it will be performed by this distinguished officer. It is also but right that, while honouring General Havelock, we should also concede due honour to Sir James Outram, who upon this occasion waived his claim as a general officer of higher rank and allowed to Sir Henry Havelock the distinguished honour of relieving Lucknow. It is gratifying also on such an occasion to be able to allude to officers of both services—that of the East India Company as well as that of Her Majesty. In doing honour, as we have done this evening, to an officer of the Queen's service, I am glad to think that an officer of the East India Company's service—I mean Sir Archdale Wilson—has not been forgotten. It is gratifying to find both these services so zealous and acting so entirely in harmony; for so alone, my Lords, can the interests of the country be properly attended to. I understand that in the course of this evening a noble Friend of mine (the Earl of Derby) alluded to another gallant officer whom he thought deserving of honour (Colonel Inglis). I believe my noble Friend behind me (Earl Granville) replied, that although this was not the place in which these things could be decided upon, inasmuch as it concerned the prerogative of the Crown, yet, at the same time, he was quite ready to state that a considerable difficulty existed in conferring these distinctions off-hand, because the information we received from the seat of war was so scanty, and came at such long intervals. My Lords, that is precisely the view which I take of this case. I can assure you on my own part, and in conjunction with my noble Friend behind me (the Secretary for War), that we have the greatest desire at once to meet the cases as they arise, and to award distinctions as soon as possible after the actions which call for them, knowing full well that half the value of those rewards and distinctions lies in the fact of the services being acknowledged on the spot. But your Lordships must at the same time be aware that the great events which have taken place in India are so peculiar, the distances between the several scenes of action are so enormous, the cases are so isolated, that we have had great difficulty in procuring information on which we can safely and speedily act in the distribution of public honours; and though in General Havelock's instance there can be no question that he deserves the honours bestowed upon him, and my noble Friend has been able to advise Her Majesty to act at once, there are many other cases which will probably have to be met respecting which we are not yet in a position to determine without information. I am happy to have an opportunity of making this statement, because I have seen it declared in some quarters that there has been a remissness or a slackness in conferring these honours. As far as I am concerned, I am sure there is every disposition to bestow honours on all those to whom they are due; and I am sure that no honour which your Lordships can pay, or which Her Majesty in the exercise of Her prerogative can confer, is too great for the services rendered not alone by those who led our troops in India, but by those gallant troops themselves. I can only, my Lords, conclude by expressing my entire and cordial concurrence in the vote to which your Lordships have come this evening.

THE EARL OF DERBY: As the Royal Duke has done me the honour to refer to something which fell from me this evening, I hope both he and your Lordships will believe that in introducing the name of Colonel Inglis into this discussion I had not the slightest intention to be guilty of the presumption of even suggesting the bestowal of any honour upon that or any other officer. I quite agree with the Royal Duke in the difficulty which must be experienced in procuring proper information in these matters, and I think that the fewer recommendations of individual officers for rewards and distinctions which are made by Members either of this or the other House, or from any private quarter, the better. These, however, ought to be derived directly and spontaneously from the Crown, for unless that is so they lose a great deal of their value, while, at the same time, the Crown loses a great part of that which is its proper prerogative. I do think, however, that in discussing the services of General Havelock, and the rewards bestowed upon him in con-

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sequence of those services, relating too, as they did, to the relief of Lucknow—the occasion was not an inappropriate one to introduce some mention of the services, the perseverance, the exertions under great difficulties which have characterised Colonel Inglis as commanding the regiment principally concerned in the defence of Lucknow.

LORD PANMURE was happy to think that while Parliament would confer upon General Havelock, a Queen's officer, a substantial mark of the favour of the Crown and the nation, a similarly substantial mark of the favour of the East India Company would be recommended by the Directors and would no doubt be conferred upon his gallant companion in arms, Sir Archdale Wilson. With respect to all the other brave officers with whose names and exploits in India the country was familiar, he perfectly concurred with what had fallen from the Royal Duke, and thought that any suggestions respecting the bestowal of honours upon them would be an interference with the prerogative of the Crown, while it would lower the value of those honours even in the eyes of the officers who were to receive them.

Address ordered, *Nemine Dissentiente;* the said Address to be presented to Her Majesty by the Lords with White Staves.

RELIGIOUS WORSHIP ACT AMENDMENT BILL.

SECOND READING—DEBATE ADJOURNED.

Order of the Day for the Second Reading read.

THE EARL OF SHAFTESBURY: My Lords, although I do not intend to press the second reading of this Bill upon the present occasion, yet I think it is incumbent upon me to make some statement of the reasons which have induced me to bring forward this measure. Your Lordships will remember that in 1855 a Bill was passed by this House and ultimately became law, entitled, "An Act for securing the Liberty of Religious Worship." That Act left the ecclesiastical law untouched, and did not alter in any way the authority of the diocesans, or interfere with the obligations of the clergy. It only relieved laymen and clergymen of the Church of England from penalties for having services or prayers in unlicensed places. The object of the Act was one of great importance, in consequence of the state of the population in large towns, and especially in this metropolis. The population has so increased that it has gone completely beyond the control of what is called the parochial system—so much so that the existing number of churches is insufficient for the wants of the population, and unless we could obtain a large vote of public money or procure enormous contributions from private sources to build churches adequate to those wants, and to endow a sufficient number of clergymen to officiate in them, it became necessary to resort to other means of making known to large classes of the people the first principles of Christianity, its doctrines, and the duties they inculcate. It was with the view of enabling us to open places of worship at little expense and practically adapted for affording such instruction that the Act was passed; and as soon as that Act became law I and other gentlemen considered in what way we could make use of the facilities it afforded. We determined to open Exeter Hall; and if in time we should find the end we sought was obtained, to open other places for divine worship in which we could have a certain form of prayer and sermons delivered by clergymen selected from all parts of the kingdom. Those services were instituted last year under the sanction of the right rev. Prelate who presides over the diocese of London, and with the sanction of the incumbent of the district within which Exeter Hall is situated. When we asked the clergyman's sanction it was as a matter of courtesy, not admitting nor denying the power which is now supposed by law to reside in him to inhibit these services. But the permission of the incumbent was solicited and given; and the services were instituted, as I have already said, under his sanction. Now, my Lords, let us bear in mind that vast masses of people exist in this great metropolis and in our great towns who are almost entirely deprived of religious instruction of any description. I have alluded to the paucity of churches and to the inadequacy of the number of the clergy to the discharge of their duties, and I can assure your Lordships that even in those parishes in which the staff of clergymen is greatest—and I shall be borne out in that statement by the clergy themselves—a very large proportion of

the working-classes have the utmost difficulty in obtaining the advantage of spiritual teaching. I will content myself with stating the fact without entering into the causes to which it is to be attributed, but that the fact is what I have described it to be nobody can gainsay. The habits and mode of life of the lower orders, the extent to which their religious training has hitherto been neglected, and the great distrust of the clergy of the Church of England by which they are influenced—looking upon them, as I am sorry to say they do, only in the light of gentlemen who wear black coats and receive large salaries—have caused the obstacles to gaining access to those classes upon the part of the clergy to be so overwhelming that some of the clergymen in London—those most active and painstaking in the discharge of the duties of their sacred calling—have found that at the close of a long life they have been unable to make any advance in becoming acquainted with a large proportion of the people within their care. We, therefore, my Lords, found it necessary to accommodate ourselves to that peculiar state of things, and to see what we could do without departing from those principles of propriety which it was most important that we should preserve. Under these circumstances, then, we resolved to invite the classes to which I have referred to attend at services at which they might, at all events, be enabled to hear evangelical prayers and be instructed in the doctrine of the Gospel by some approved minister who would be found ready to undertake the performance of that duty. An invitation in accordance with that resolution was accordingly issued, and Exeter Hall was thrown open to the working-classes upon the following conditions,—namely, that those who came first should be first served; that there should be no distinction of persons, no reserved seats, no collection, and, in short, that every one who came, no matter how humble he might be, should be dealt with upon precisely the same footing as if he were the first man in the land. The result answered, I am happy to say—nay, it exceeded—our most sanguine expectations, not only so far as relates to the number of those who attended at the services, but also so far as their position in life is concerned. Their earnestness, and the amount of attention and deep feeling which they evinced, was something which I dared not even imagine would be exhibited. I, as a matter of duty and of principle, was present at the whole twelve services. I watched their progress from beginning to end, and I can bear testimony to the fact that towards their close the earnestness and attention to which I have alluded had greatly increased, even in comparison with the first occasion when those qualities were displayed upon the part of a large congregation of working people, assembled together suddenly and without any restraint, to a degree which created surprise and satisfaction in the breast of everybody who took an interest in the movement. Four or five thousand people were assembled in the hall on each occasion—no restraint whatever was imposed upon them—and the result was far different from what some anticipated if large masses should be collected together. Well, my Lords, I have mixed with the working-classes since that period. I have corresponded with them; and I can assure your Lordships that the effect which these services has produced upon their minds has been of a character at once deep and lasting. They spoke during the progress of the services, as they speak now, with the utmost gratitude of the Church of England. They expressed their astonishment at finding that the clergy of that Church should have shown themselves so eager to promote their welfare. I saw my right rev. Friend the Bishop of Carlisle in his canonical robes officiating to a vast mass of those poor and hitherto forgotten people, and it is, I can assure your Lordships, with tears in their eyes that they speak of this instance of the interest which has been exhibited in their regard—they say they could not have believed it possible, unless they had lived to see it themselves. Now, my Lords, I am convinced that it is only by such means that the Church of England can arrive at a full sense of its duties: and I am convinced that if these services had been continued, every human being who has attended them—with very few exceptions indeed—would have become a firm and true adherent of the Established Church. The Exeter Hall services are, however, now at an end. They have been stopped by the authority of the incumbent of that district in which Exeter Hall is situated; and, with-

out entering into any inquiry whether the law justified him in taking that course or not, I may state to your Lordships that the reason which induced us to acquiesce in the inhibition was simply that which I am about to mention. The services were to have been recommenced in the month of October under the sanction of the Bishop of the diocese. Shortly before the day upon which they were to have been recommenced, however—I believe only one day before that time—an inhibition was issued by the incumbent of the district to the minister who was to have officiated, and who lives at Ramsgate. That gentleman at once wrote up to say that he did not understand the meaning of the doctrine upon which the inhibition was founded; but as his preaching might be a breach of the law, and he did not wish to appear before the public as a breaker of the law, he must decline to officiate. That announcement took us by surprise. Several members of the committee were in different parts of the country, and but a very few of its number were to be found in London. Those who were here deemed it to be the wisest course to take—being ignorant of the law upon the subject—to declare that as the minister who was to perform the services did not wish to expose himself to the consequences of entering upon the duty, the services should be closed, and should not be renewed until further inquiries had been made. If my own individual opinion had been acted upon at the time, the services would have been persevered in, because I have very great doubt as to whether the power of inhibition upon the part of the incumbent legally exists. Assuming, however, that such a power does exist, I think it is highly expedient that some step should be taken either to do away with it altogether, or, at all events, to qualify its exercise to some extent. Now, my Lords, let me for one moment direct your attention to the grounds upon which the inhibition in question was issued. The first ground which is set forth by the rev. incumbent is that the Exeter Hall services did not answer the purpose for which they were instituted, inasmuch as they were not attended by persons belonging to that class whose benefit it was sought to promote; and the second ground which was advanced was, that those services had the effect of emptying the ordinary churches Now, the latter charge I believe to be altogether unfounded. The services were held at half-past six o'clock, while the canonical services of the church are invariably held at eleven o'clock in the morning and at three o'clock in the afternoon. I must also express my belief that very few of the ordinary attendants of our churches were habitual frequenters of these services; some persons belonging to the better classes did, no doubt, attend upon some occasions at Exeter Hall; but it was our particular request that none but the working-classes should come there, to the exclusion of those who were ordinary attendants at church. I do not, however, mean to say that we were not upon the whole glad that there were present a mixture of classes, inasmuch as it was likely to be agreeable to the working-classes themselves that there should appear to be a community of worship, and that there should be no exclusiveness in places of worship as regarded different classes. But, be that as it may, to say that the members of the working-classes did not constitute the vast majority of those who attended those services is to make an assertion which must either be the result of malignity and a desire to misrepresent the truth, or of a total ignorance of the facts of the case. Several Members of both Houses of Parliament went to Exeter Hall upon those occasions, and I appeal to them whether those whom they saw assembled there were not essentially members of the working-classes? To the young men connected with the Sunday schools who were placed at the entrances to the hall to prevent any persons but those connected with the working-classes from going in, and to ascertain that the services had been effective of the object which the promoters of them had in view, I would make a similar appeal. I feel assured that by them the accuracy of my testimony will be corroborated, and that they will one and all be ready to bear witness to the order and the decorum which pervaded the whole of the vast multitude which at those services was congregated in Exeter Hall. Well, my Lords, the services have been stopped, notwithstanding that the rev. incumbent had been earnestly solicited not to persevere in his inhibition; and what has been the result? The Dissenters have taken up the position which the Church of England is not allowed to oc-

cupy. The services thus inhibited were opened under the sanction of the Bishop of the diocese, and closed against his entreaty—nay, his supplication. The Nonconformist body have stepped into our places, and I say here, as I have said everywhere, and as I shall continue to maintain, that to the members of that body we owe a debt of gratitude for the manner in which our places have been supplied. They have in this instance acted with a delicacy and a forbearance which redounds infinitely to their credit. They declined to engage Exeter Hall until they had ascertained that it would be quite impossible for us to renew our services, and having taken the hall they offered to give it up at any moment the inhibition should be removed. They also, that they might not seem to do anything by way of foil or contrast to us, adopted most minutely forms of the service which we had instituted. They selected the hymns which we used to have sung, and the officiating minister read a lesson and a portion of the Litany of the Church of England from the Book of Common Prayer; while in his discourses he never either directly or indirectly alluded to the difficulties under which the Church of England was placed in the attempt to preach the Gospel to the masses, or to the freedom of the party to which he belonged, or to the manner in which that body had come forward to follow in our footsteps. Now, my Lords, let us just observe the position in which the Church of England is placed in reference to this question. When Exeter Hall was shut against us, we applied for the use of St. Martin's, another fine hall in its vicinity. The incumbent of the district in which that hall is situated, however, although he approved the services which were held at Exeter Hall, yet considering that the services had been inhibited in the manner he had mentioned, announced it to be his intention to issue his inhibition against our holding services within his parish. We are therefore in this position, that while in the hall which I have just mentioned, members of every persuasion—infidels—nay, even the Mormonites themselves—may arise and preach to the people, to the ministers of the Church of England alone is that privilege denied. But then, my Lords, when we were shut out from these great halls, was any substitute offered us? Were any means placed within our reach by which to instruct the tens of thousands who came Sunday after Sunday to hear the Word of God? For I should mention that, though Exeter Hall held but 5,000, half as many more were sent away every week for want of room, and the doors were thronged an hour or an hour and a half before they were opened, so that people might be sure of finding admission. Was any substitute offered us? None. We have indeed been told very indistinctly that in the course of time Westminster Abbey and St. Paul's may be opened for short services and extemporaneous preaching. Now, no one would rejoice more than I should to see these edifices opened for service several times a day, and every evening also. I should greatly rejoice if five St. Pauls' and five Westminster Abbeys could thus be open to the public. But, if that were so, even they—vast as they be—would not be enough to take in the hundreds of thousands who are within this vast metropolis, who are now in spiritual destitution. Besides this, another consideration presents itself in the peculiar habits, manners, and tastes of a great portion of our population. There are large numbers of people who never will go to any recognised place of worship at all. What may be their motives it is not for me now to state; what may be the feelings which guide them I should be rather afraid to mention. Yet these people are not unwilling to be taught if you will teach them in their own way; and, considering their numbers—considering that they have immortal souls like ourselves—I think we are bound to do everything we can consistently with principle and with truth to engage these persons to come and hear the Word of God as preached by the ordained and authorised ministers of the Church of England. The class of which I am speaking will not now enter Westminster Abbey and St. Paul's; but my firm belief is, that if they be got into the habit of attending the occasional services in Exeter Hall and the buildings to which we sought to attract them, they will end by going to the Abbey, to St. Paul's, and at last to their parochial churches, if they are but treated with propriety and respect when they enter those places. I use the words "propriety and respect," because I consider it a great defect in our churches—a defect which has not grown up of late years; on the contrary, we are now learn-

ing to avoid it—that the working-classes, when they attend the services of the Establishment, generally find the churches pewed up in the very aisles—that they are shut out from places where they can hear and be well accommodated, and not placed on a footing of equality with the rest of the congregation. They see many nooks and corners reserved for the working-classes; they find free seats set apart for them; but they will not occupy these places; they think they are looked upon as a distinct order of beings, and that they are looked down upon and despised. Unless, therefore, you show them proper respect, and in the House of God admit that there at least there is equality, depend upon it the vast proportion of the labouring population in London, will never be brought to attend the worship of the Establishment. Now, they went to Exeter Hall because, as they over and over again assured us, they found themselves treated there with respect, had the opportunity of getting the best places, were not driven into the nooks and corners of the building, and were in all respects recognised as human beings equally with ourselves. It appears, then, to me that, considering the vast numbers at present unprovided with religious instruction, the great necessity which exists for bringing this mighty mass within the influence of Gospel ministration—considering, moreover, that this can be done if we accommodate ourselves to the peculiar habits of the people—the power of inhibition which stands in the way of an object so desirable, must either be altogether removed or greatly modified. This power is a very great one to be exercised by persons of a subordinate station, and from their position irresponsible. I think it ought to be vested in individuals occupying a higher station in the Church—those who are directly responsible to your Lordships' House and to the people of England. I wish to speak with respect of the parochial system, and also of the parochial clergy; but we must bear in mind in considering this system that it has to be regarded in two aspects—namely, as it affects the incumbent and as it affects the people. Now, any one conversant with the parochial system knows that in the rural districts it can be carried completely into effect; there the people have a personal knowledge of the clergyman, and the clergy can attend to the especial wants of their flock, and need neglect none. When, however, we come to such large districts and parishes as are to be found within this metropolis, where 10,000, 15,000, or 20,000 persons have to look up to one incumbent for spiritual assistance and guidance, how is it possible that any portion of the system can be properly carried out? In such a case is it not something tantamount to a mockery? Nugatory as it is, however, in these districts, the parochial system is constantly brought forward as an argument against any improvement which may be contemplated. I repeat that the system must be regarded under two aspects—as it affects the incumbent and as it affects the people. We know the rights of the incumbent; but what are the rights of the people where it is in force? Every man, woman, and child may claim a seat in the parish church, and also the personal and direct ministration of the clergy. Is that right respected and allowed in our larger towns? Can the system in that aspect of it be carried out? Why, when you go to the east end of London and look at those swarming parishes, where, thank God! there are some of the most devout, active, and pious men who ever ministered to the Church of Christ, these clergymen will tell you, with tears in their eyes, that they cannot discharge one-tenth of their duties, and the people therefore must be left without that superintendence and deprived of the enjoyment of those rights which properly belong to them. If, then, the people possess these rights, and if it is manifestly impossible that they can enjoy them—if we have to relax the parochial system in our inability to afford the people their full rights—if it is impossible for the minister to extend to them his pastoral superintendence, and if the parish church cannot receive them, where are they to go? Where, except to places like Exeter Hall, the doors of which are thrown open, to invite these neglected wanderers from other parts of London to enter and listen to the Word of God? You shut them out from their rights in their own parishes; you tell them that here the parochial system cannot be maintained; they then come down to Exeter Hall, and are suddenly met with the declaration that there the system must be observed with all its rigours. You tell them—"No! The incumbent here is determined to exert his full au-

thority, and will allow no human being but himself to preach the Word of God within his district." Thus, the persons who come from those distant parishes, where they cannot enjoy their rights, find that no regard is paid anywhere to those rights; that their civil liberties are not respected, and their spiritual instruction remains uncared for. Now, it seems to me that you must do one of two things —either make the parochial system, with the attendant rights conferred by it, rigidly observed in every parish throughout the country, due provision being everywhere made for the spiritual instruction of the people and their accommodation in the churches; or else you must make such relaxations in the system as are demanded by the necessities of the time and the wants of the population. As to saying that you will maintain the present state of things—that you will allow the parochial system to be entirely broken through in one district and yet preserve it in all its rigour in another district—I think this is an outrage upon the people of this country—a declaration that the Church of England is not to instruct, but to deny instruction, and coerce those who attempt to impart it. I hold in my hand a letter I have just received from a dignitary of the Church, who by no means agrees with me in all things, and from this letter I cannot help quoting one short passage :—

"I entreat you (he says) to persevere in any measure which may prevent a parochial charge for the health of men's souls from being turned into a territorial dominion to impede their being taught."

This appears to me to contain the whole sum and substance of the case, and I think your Lordships will agree with me that some relaxation must take place in the present system, and that we cannot leave these mighty masses uncared for. At present the Bishops of the Church are placed in a very peculiar position. In this instance the Bishop of the diocese gave his sanction to the services at Exeter Hall. Having surveyed the condition of the people, being deeply touched with their spiritual destitution, he entered most warmly into our scheme, himself attended the services, and closed one of them by pronouncing the benediction. When the inhibition was issued the Bishop of the diocese had a long interview with the incumbent, and implored him (using not episcopal authority, but episcopal entreaty) that he would desist from his opposition, and allow the services to go on. But in vain. Now, the Bishop is in a great measure responsible for the spiritual condition of his diocese, and if, when he sees that its wants are crying and grievous, and sanctions the means used for the purpose of supplying those wants, he is to be set at naught by the incumbent of a district, who declares that the Word of God shall not be preached there except by himself, I must say it appears to me that this Bishop has little more to do except to retire from the field altogether, and leave the subordinate clergyman in quiet possession. I think it is necessary that something should be done either to remove or to alter the power of inhibition. I am most anxious for the preservation of parochial rights, and therefore in the proposition I am about to submit to your Lordships I shall be very careful not to infringe upon those rights further than I conceive to be absolutely necessary. I wish to legislate upon the immediate point to which I have called your Lordships' attention, and not to go beyond it; but at the same time I must tell your Lordships that I am constantly receiving oral communications and written communications, both with and without signatures, charging me with pusillanimity for not going further —declaring that the measure I have proposed is most unsatisfactory—that it will be attended with little, if any, advantage —that a great deal more must be conceded, and that the members of the Church of England will have larger concessions. I think I am bound in candour to say to those of the bench of Bishops— because the whole body are not agreed— who resist any alteration on this essential subject, that the terms demanded will become year by year far more extensive, and I have not the slightest doubt that the perseverance of the laity of the Church, supported by the great body of the clergy, will eventually succeed in effecting the great object described by the Apostle, that "the Word of the Lord may have free course and be glorified." I will now tell your Lordships what is the nature of my proposition. Without affirming or denying the power of inhibition, I assume that it exists; and I propose that this power of inhibition shall not extend to parishes or districts the population of which by the last preceding census exceeded 2,000. In pa-

rishes with a population of less than 2,000 the clergyman may say—"We are perfectly competent to manage our own parishes; we don't want any sort of assistance; the whole thing is entirely within our grasp;" and in those cases I think the parochial system may be continued. This provision will exclude from the operation of the Bill a great number of country parishes where the clergymen are capable of discharging their parochial duties, and really do perform them. I think the power of inhibition should not, however, extend to parishes where the population exceeds 2,000 souls. I then propose that this power of inhibition, which may in some instances be wise and necessary, should be exercised under prominent responsibility, and the Bill provides that such inhibition shall not be valid unless it be sanctioned by the Bishop of the diocese, who will be the judge of the necessity either of admitting or rejecting any clergyman of the Church of England who may come into a parish. The responsibility ought, in my opinion, to rest upon the Bishop, because he can take a large view of the necessities of his diocese, and will not be influenced by motives of interest in regarding the condition of its various districts. I further propose to limit the Bill entirely to the occasional services held under the Act commonly called the "Liberty of Religious Worship Act." I provide that the power of inhibition shall be limited to "any congregation or assembly occasionally meeting for religious worship in any building or buildings not usually appropriated to purposes of religious worship." I think your Lordships will see, therefore, that I have asked no more than is absolutely necessary. I propose to legislate only for an evil that has arisen, and to leave the parochial system untouched wherever it is unnecessary to interfere with it. I have only proposed such a measure as will enable hundreds and thousands and tens of thousands to meet in places not ordinarily appropriated to religious worship, where they may receive the teachings of ordained clergymen. On Sunday last I attended one of the services conducted by Nonconformists, and the hall was thronged, principally by members of the working-classes, who were most devout and attentive. I confess that as I walked away I was almost overwhelmed with shame to think that the Church of England alone was excluded from holding such services; that the Church of England alone, which is constituted the Church of the realm, and to which such a duty is peculiarly assigned, should be the only body, among believers or unbelievers, which is not allowed to open a hall with the view of giving instruction to the people. In consequence of the representations of the right rev. Prelate (the Bishop of Oxford), who stated that it was the wish of a large majority of the Bishops, I promised to postpone the second reading of this Bill; but in urging this postponement—which is no doubt intended to lead to the ultimate rejection of the measure—I must say I think the right rev. Prelates make the fatal announcement that the Established Church, as she now stands, is not capable of performing those duties the discharge of which was the object of her foundation, and that she is altogether unable, unless with the aid of the Nonconformists, to instruct and evangelize the people of this country. The noble Earl concluded by moving the second reading of the Bill, with the view of adjourning the debate on the Motion to the 8th February.

Moved, That the Bill be now read 2a.

The Earl of DERBY: I should be sorry to interfere between the right rev. Prelate (the Bishop of St. David's, who had risen to address the House) and your Lordships, but I do not rise for the purpose of discussing the measure which has been submitted to us by the noble Earl. I rise rather for the purpose of expressing my satisfaction at his determination to postpone the consideration of this question; but I must at the same time express my regret at the terms in which he has signified his intention of doing so. I can assure the noble Earl that he does a great injustice to many of those who desire that the consideration of the subject should be postponed, if he interprets that desire as an intimation of hostility to the measure; for he will find among them many who are warm advocates for some change in the law as relating to religious worship. I am sure, also, it is an injustice to the right rev. Prelates to suppose that in pressing the postponement of this Bill, which is certainly one of very considerable importance, they were influenced by a determination to reject the

measure. I must remind the noble Earl that some degree of suspicion always attaches to legislative propositions which bear upon individual cases. In a great deal of what has been said by the noble Earl as to the defects and shortcomings of the parochial system, I fully and entirely concur; and I am quite aware of the necessity of adopting some measures in order to remedy those defects. I will not attempt to enter into any discussion upon the topics to which the noble Earl has referred. All I wish to say is, that according to the declaration of my noble Friend himself, this Bill is brought in for the purpose of dealing with a case which has arisen with reference to the Exeter Hall services. Now, my Lords, I pronounce no opinion—indeed I am not competent to do so—as to the amount of good which those services may have produced; but because a clergyman of the Church of England has exercised those rights which undoubtedly belong to him according to the existing law of the Church, my noble Friend steps in, and, without a moment's hesitation, without discussing the question whether the law of the Church is on the whole right or wrong, asks us by the authority of Parliament to interfere for the purpose of meeting this individual case. I contend that that is not the fitting mode of dealing with a question of this great importance. I do not mean to say that my noble Friend is debarred from bringing forward any particular question which he may think of urgency and importance during this short Session; but it must be recollected that an announcement has been made on the part of Her Majesty's Government that it was not their intention that any other business should be transacted than that for which Parliament was specially summoned, and hon. Members on the opposite side of the House expressed their willingness to acquiesce in such an arrangement, and intimated that they would not interfere with the progress of the one measure to which the Government desired to confine the attention of Parliament by the interposition of other business. After that announcement was made it was quite clear that there would be a very small attendance of Members of either House during the short Session before Christmas; and if any proof were required of the inconvenience of passing a measure of this nature at the present time, I need only direct attention to the bench of Bishops, where I find that that body are at this moment represented by three only of their number. Many right rev. Prelates are performing various duties in different parts of the country, without any expectation that your Lordships would be called upon at this time to discuss a question affecting the interests and welfare of the Established Church. On the first day of the Session, however, just before the House broke up, my noble Friend, without a single word, laid this Bill upon the table, and moved that it be read a second time and taken into consideration on the following Monday, it being then understood that the next day—Friday—the House would only meet *pro formâ*, and that no business would be transacted. It happened, however, that a conversation on the subject of this Bill took place on Friday, in consequence of which my noble Friend has postponed his measure. The Bill is one which, in my opinion, involves a principle of great importance. I will not say my noble Friend's proposition may not be a good one, or that it may not be advisable to adopt this or some analogous measure; but great objections may and must arise to a total alteration, in many important respects, of the parochial system throughout the country. I rose, however, merely for the purpose of saying that those who desire the postponement of this measure are not to be regarded as its opponents, and to express a hope that, as my noble Friend has had the opportunity of stating fully and ably his own views and arguments, and of thereby placing his Bill in the most favourable position before the public, your Lordships will not think it necessary on this occasion to enter upon the partial and imperfect discussion of a question the further consideration of which is, by consent, adjourned. I am most anxious that the subject should be fully and fairly discussed. I do not pretend to have made up my mind as to the course which should be adopted. The question is one which was very fully considered when my noble Friend introduced his former Bill; and it was then understood to be the prevailing opinion that the parochial system should not be interfered with. Therefore what was then done is in opposition to the principle which the noble Earl now calls on the House to assent

The Earl of Derby

to. I hope, as this debate is to be continued on a future occasion, the House will not now enter into an irregular and unnecessary discussion of the question.

The Bishop of ST. DAVID'S said, he was exceedingly thankful to the noble Earl who last spoke for his interruption, to which the House was indebted for a speech which, he for one, had heard with great satisfaction, and which must have great influence on their Lordships and the public out of doors. He assured the House that in the few remarks he was about to make he should be careful to keep within the range pointed out by the noble Earl, and not to anticipate any discussion which the measure might undergo on a future occasion; but as he was one of those who deprecated what he considered to be the undue haste with which this measure was pressed on by the noble Earl who proposed it, he desired to make a few remarks partly in explanation of his own motives, and partly in reference to the statement which that noble Earl had just made. He desired it to be most distinctly understood that his motive for wishing the postponement of the measure was not because he did not attribute to the noble Earl the purest, best, and most honourable motives, or because he felt less deeply and strongly even than the noble Earl himself the great and pressing importance of the object which the noble Earl had in view; it was solely because he thought the subject was one of too much importance to be dealt with so hastily. As far as his knowledge went, the noble Earl laboured under an entire misconception if he supposed that any member of the Episcopal bench was opposed to that object. At all events, if the noble Earl had come to that conclusion in consequence of anything said the other night, the noble Earl might be assured that he for his part would give him no opposition, if he could reconcile the proposed measure, which had his sympathy, with the general interests of the Church, and with the maintenance of the parochial system. He had formed no final judgment on this subject, and had not committed himself in any way to an opinion on either side. He was prepared to listen to the arguments for this measure at any future period, not only with the most perfect impartiality, but really with the hearty desire to carry it into effect:—in fact, he could hardly conceive why the noble Earl should suppose that any members of the Episcopal bench could be opposed *à priori* to such a proposition, because, when its nature and tendency were considered, it seemed calculated in a most important degree to increase the power and authority they now possessed. He assured their Lordships that he should have been exceedingly gratified by such a mark of confidence towards the Episcopal body coming from the noble Earl, had he not been aware that, after the most rev. Prelate (the Primate) had failed to induce the noble Earl to depart from his original intention of pressing on the measure, the noble Earl had given way to the authority of the Lord Chief Justice. Now, he thought that, on a subject of this peculiar nature, the authority of the Archbishop of Canterbury might have been considered as great as that of the Lord Chief Justice. In the greater part of the noble Earl's statements he fully concurred, and had heard with great satisfaction almost everything that fell from him. He gave the noble Earl credit for a desire neither to misstate nor exaggerate any fact in the slightest degree; but there were one or two points on which the noble Earl appeared to him to labour under some misapprehension. In the first place, he thought there was much greater reason than the noble Earl was aware of to doubt the success of the experiment which the noble Earl had made. There might be, he allowed, great difficulty in ascertaining how far it had succeeded or not, but if the object was such as he had understood it to be, then he must say that the reports which had come to his hearing led him, very reluctantly, to question the success of the experiment. This movement was intended, as he had fancied, to make some impression on the heathenism of that vast mass of the population of this great city which was never in any way brought within the sound of the Gospel, or ever partook in the ordinances of the Christian religion. On that essentially rested the great interest of the movement; and when it was first made public he entertained the strongest wishes for its success; but facts had come, he would not say to his actual knowledge, but had reached him, so attested that he was disposed to believe

them, which led him to doubt whether that object which he had just described had been in any degree attained, and whether the persons who had formed the great bulk of the congregations at these occasional services did belong to that unhappy class for whose benefit he had sincerely hoped those services were designed. On the contrary, he believed they belonged to a very different class of persons—persons to whom the Word of God was not entirely new or strange, who were in the habit of attending occasionally religious worship, and who could not, therefore, be considered in the light of heathens or outcasts from the blessings of Christianity. He would not say for a moment that there might not be present also persons of a different description, for whom it might be exceedingly desirable to provide church accommodation. He fully admitted that such was the case; but, nevertheless, he could not consider the urgency of the case so pressing if these occasional services, instead of being attended by persons now for the first time enjoying the opportunity of having the Gospel propounded to them, were attended by a class of persons who, if not there, might be receiving, it might be, some inferior kind of instruction, and attending a less edifying kind of service, but still would be listening to instruction and attending Divine worship in some other way. He knew that such was the impression actually made at least on one person not unfavourable to the noble Earl's plan, but, on the contrary, one of its warmest approvers, who had watched its progress with friendly interest, but who, for the sake of truth, had done all in his power to ascertain the actual working of this experiment. That person declared that, as far as his experience and observation went, the experiment appeared to have failed. That might be open to doubt, as a matter of fact, but still, where there was so much doubt hanging over that which was the foundation of the measure, the noble Earl did not appear to have made out a sufficient case for the urgency with which he had intended to press the Bill on their Lordships. He now came to a point, perhaps more important. He thought the noble Earl had mistaken the immediate cause of the obstruction which had taken place in the progress of this experiment, and in so doing had placed in a light not exactly true—and, if not true, in a light very invidious and injurious to the person concerned—the conduct of the clergyman whose inhibition had given occasion for the present measure. It must be very painful to a clergyman of the Church of England to be held up in their Lordships' House and before the eyes of the country as a person who refused to let the Word of God be preached in his parish, and he was sure their Lordships would favour him with their attention while he pointed out that there was very great reason to question the correctness of that imputation. As for one part of that clergyman's conduct he thought he could speak with entire confidence, because he had heard from him a statement so clear and distinct that it was impossible to be misunderstood, and he was sure that that person would not misrepresent the case. He had been informed by this gentleman that when his consent was first applied for to these occasional services, though he himself considered it a very questionable and doubtful experiment, though he clearly foresaw that it might be attended—as it had been—with a great deal of personal inconvenience to himself, still he gave way to the authority of his Bishop in some degree against his own convictions, and the only condition which he made on giving his consent was that these services should not be, as was originally designed, formed entirely on the model of a dissenting place of worship.

THE BISHOP OF LONDON: As far as my memory serves me that condition was made by myself.

THE BISHOP OF ST. DAVID'S did not mean to deny that the condition was first suggested by his right rev. Friend; but it was insisted upon by the incumbent. It was, he believed, at first intended that neither the Evening Service nor the Litany should be read; and when it was proposed that the sermon should be preceded by the Litany a very strong objection was made, which was overruled by his right rev. Friend (the Bishop of London), who suggested that the Litany, as being a medium between the Evening Service and the mere reading of a collect or two, should be used. It appeared to him, that the incumbent in the first part of the business, at all events, had acted with the greatest consideration both for the object in view and for the authority of his Bishop. Was it

then very natural that a person who had so conducted himself in the first stage of the transaction, at the interval of a few months should have undergone such an entire change in his views and character as to act as one who wilfully and obstinately prevented the preaching of the Word of God in his parish? He believed that the conduct of this gentleman in the latter part of the business had been also most conscientious, and that he had been driven to the line of conduct which he had adopted by the injudicious proceedings of other parties towards him. If that consent which had been requested from him at the beginning, and which he gave under the simple condition already mentioned, had been afterwards applied for in like manner, he would probably again have accorded it. But an opportunity to do that was never given to him. He was informed that he had no longer any voice in the matter, that either he must be supposed once for all to have given a consent which he could never retract, or else that those who applied for it in the first instance had been in error, and that his consent was not necessary. Thereupon he felt bound for the assertion of his right as a minister of the Church of England, to refuse his consent until the principle should be decided, until it should be ascertained whether he had a right to withhold his consent or not. Nor would he have been justified in acting in any other manner, and if any evil consequences had ensued from his inhibition, he was not the person who was responsible for them. That responsibility lay with those who, refusing to recognise that right which he conceived he possessed, by their denial drove him to try the question in a manner which had issued in the interruption of this experiment. He would not enter into any discussion upon this measure. He did not mean to say that the statement of the noble Earl might not be sufficient to show that there were good grounds for the introduction of such a measure, but where he conceived his statement entirely and signally to have failed was to show that there was any need for the urgency with which he had introduced it. He could not conceive that any serious injury to the interests of the Church of England could result from the postponement of the consideration of a measure which, whether it was a right or wrong one, was on all hands admitted to introduce a very grave and important innovation into our parochial system. He most fully sympathized with the noble Earl in the desire which he had expressed to see the naves of Westminster Abbey and St. Paul's thrown open in the freest manner for the accommodation of the population of this great city. He hoped that the time might come when we should see those large spaces filled with large and devout congregations, composed, he would venture to say, of a class a little lower in the social scale than that which filled the area of Exeter Hall last summer. He further hoped that when these places should be crowded to overflow, and should be found insufficient to receive the multitudes who flocked to them, the Church of England might not be so utterly destitute either of spiritual or of temporal resources as to be unable to provide in this great city more than one building entirely devoted to such a purpose, and not one which was open on other occasions for purposes of a different, if not of a totally opposite nature. But he conceived that might and he hoped would be done without any important innovation on the parochial system; and until he found that he had been entirely misinformed about the most material circumstances of this case, he should continue to believe that they at all events did not afford a sufficient ground or reason for any such measure as that now before their Lordships.

The Bishop of LONDON said, he should be sorry indeed if any impression went abroad that any charge had been advanced by him against the gentleman referred to with respect to the first part of his conduct. In his estimation his conduct at first had been very praiseworthy. Nothing could be more proper than that a gentleman entertaining great doubts as to the wisdom of opening Exeter Hall for this object should communicate these doubts to his diocesan, take his opinion, and, finding his opinion adverse to his own, waive his objections, and permit the services to continue. As to his conduct afterwards, he should be sorry indeed if any expression which fell from his lips should be construed into a charge against the clergyman in question. He acted, as it was to be hoped every clergyman of the Church of England would act, most conscientiously. That the statement of his

right rev. Friend (the Bishop of St. David's) was perfectly correct as respected the other part of the business he could hardly allow, because he could state that an assurance had been given to this gentleman, that if any want of respect had been evinced by those who felt anxious for the continuance of these services, they were quite willing to make an acknowledgment of the right of the incumbent, and therefore, as his diocesan, he (the Bishop of London) besought this gentleman not to persist in withholding his consent. The incumbent was not to blame for having exercised the rights which he possessed. He acted conscientiously, and he (the Bishop of London) should deeply regret that he should be held up to opprobrium for what he had done. At the same time he should not be doing justice to those who were engaged in this movement if he did not add that he thought this gentleman had acted most mistakenly. When so great a movement as this, which he, as the Bishop of the diocese, esteemed to be one of the best works that had been undertaken since he entered upon his office, was stopped by a single incumbent, he did feel that the gentleman who had put his veto upon it did not exercise a sound discretion. No doubt he acted perfectly conscientiously, but he certainly acted very indiscreetly. One other explanation he must be allowed to make. The noble Earl had said something about the majority of the Bishops being opposed to this measure. His right rev. Friend had shown that this statement could not apply to all the members of the Episcopal bench, because when this Bill came to be discussed it would have, we might trust, his support, and he hoped also that of the right rev. Prelate who made some important observations a few nights ago. He wished to say a word about what passed on that evening. The most rev. Prelate (the Primate) usually took the opportunity of stating in that House his own sentiments and those of the bench, without leaving it to any other person to represent him. The most rev. Prelate was certainly present at the meeting of Bishops which had been held; but as he (the Bishop of London) was not in the House when this subject was last discussed, he could not say whether or not the terms in which that meeting was described were exaggerated; probably they were not. At the same time he thought it would be no breach of confidence—indeed he thought it was his plain duty—to state what that meeting was. The Bishops met at certain times to discuss questions requiring a common decision. On this occasion there were six of them present, and as one went away there remained but five. The most rev. Prelate was strongly urged by one of the number to oppose the further proceeding with the noble Earl's Bill, on the ground that delay was desirable. He undertook to speak to the noble Earl; but, having failed in the object of his private representation, when he spoke to the noble Earl in the most friendly manner, he did not feel himself called upon to oppose the measure, even on the ground of delay being desirable; and he (the Bishop of London) was not quite certain whether, if the noble Earl had pressed his measure, the most rev. Prelate himself, as well as other members of the Episcopal bench, would not have felt bound to support it. Of this he was quite certain, that nothing like a majority of the Bishops was opposed to the proceedings of the noble Earl and his friends. He (the Bishop of London) had thanked him and those who acted with him in his own name, and he knew that many of his right rev. Friends were prepared to record their thanks for the good work which had been done; and he was happy to think that there was a prospect, a near prospect, that the example which had been so worthily set by these gentlemen would be followed by our great cathedrals. He rejoiced to be able to announce that Westminster Abbey would be open for Divine service on the evening of the 3rd of January, and he could express no better wish for the services to be conducted there and in St. Paul's Cathedral than that they might be attended by as great and hearty a body of worshippers as were found at the services in Exeter Hall. He agreed with his right rev. Friend that, even although the cathedrals should be thrown open, there would still be room for other services; and he hoped that so long as he occupied a position of responsibility he should encourage every good work, whether it was carried on in a cathedral or elsewhere. He did think that when Parliament met again they ought to legislate upon this subject. The parochial system must, of course, be maintained; but the law

did not maintain that system in all cases. Wherever it was proved that the parochial system was used to give the clergy a monopoly rather than to secure the rights of the laity, the law of the land had overridden the parochial system. He would refer to only two Acts of Parliament. One of them authorised the diocesan, without consulting the incumbent at all, to sever a large portion of his parish and make it into a new district parish. That, of course, was a more complete interference with the parochial system than anything which was proposed to be done by this Bill. An Act of Parliament, passed in the reign of George III., provided that if it should appear to the Bishop that the services performed in any parish church were not sufficient for the people, and that the system of pews, which had been referred to, excluded the parishioners from attending those services, the Bishop might, however obstinately opposed to such a step the incumbent might be, insist upon the performance of a third service; might order the incumbent to appoint a curate to discharge that duty; and, in the event of his refusing to do so, might himself appoint a curate, who should go into the church and officiate for the incumbent. That was the parochial system properly enforced. It was to be maintained, but it was to be maintained by the Bishop who was made the judge as to whether or not the incumbent was duly carrying it out. He had referred to these cases, in order that when this measure was discussed their Lordships might really know that it was never the intention of the law to give to the incumbents a monopoly which should stand in the way of the teaching of the Gospel.

The Bishop of St. DAVID'S stated in explanation that, as he was informed, the incumbent of the parish in which Exeter Hall was situated received, after his last interview with the right rev. Prelate, a letter from one of the persons interested in this movement in which his claims were positively and distinctly denied.

The Bishop of RIPON said, that having preached at one of these special services in Exeter Hall it was his decided conviction, founded upon many years' experience as a minister in different churches in the Metropolis, that the congregation which he witnessed in Exeter Hall was to a very considerable extent composed of a class of persons whom he had never seen assembled in any church whatever. He thought it impossible that any one who had been present at one of these services could for a moment doubt that the congregation was largely composed of the working-classes, and he most deeply deplored that a stop should have been put to a movement which was, he believed, more calculated than any which had been commenced for many years past to augment the influence of the Church of England, and to advance the best interests of true religion.

Lord CAMPBELL said, that the great objection raised to the proposal of the noble Earl seemed to be that it was inconsistent with the parochial system, but he thought that was a difficulty which might be got rid of in a manner which would be satisfactory both to the Church and the people. No one had a higher veneration than himself for the parochial system, which was one of the most ancient forms of Christian Church government, extended through the whole Western Church, and existed in England long before the Reformation, and, having on two occasions had to study the old canon law, he rather thought, although he would not give a positive opinion, that according to that law the diocesan was considered to be the pastor of the whole of his diocese. He had the care of the souls of all who lived within his jurisdiction and had a right to be present in the discharge of his ecclesiastical duties in any part of it. The incumbent under him had the peculiar—the cure, but still the diocesan had concurrently and above, even above the incumbent, the cure of the souls of all within his diocese. He might mention that in the evidence given by Cardinal Wiseman on one occasion in a celebrated marriage case at the bar of their Lordships' House his Eminence stated that the law in Roman Catholic countries was that there could not be a valid marriage unless the parish priest was present or the Bishop. That doctrine, he (Lord Campbell) believed, proceeded on the ground that the Bishop, according to ancient law, had a right to jurisdiction within a parish concurrently with the incumbent. If that were the case, could he not, concurrently with the incumbent, license another to preach in aid as it were of the incumbent in his parish, addressing a different class, and one which never enter the walls of the church. He did not think that that would be in the

slightest degree uncanonical; the suggestion might perhaps be worthy of notice, effecting the object, as he thought it would, without interfering in any manner with the parochial system.

LORD PANMURE: My Lords, the question before the House has been pretty nearly disposed of for the present, inasmuch as my noble Friend (the Earl of Shaftesbury) has agreed to postpone this measure until the meeting of Parliament after the Christmas recess; but I cannot help expressing my regret that the services which it is its object to legalize in future have been arrested in the manner with which your Lordships are familiar. Having been present on more than one occasion at the Sunday evening services in Exeter Hall, I should be wanting in my duty, my Lords, if I did not, in contradiction to the assertion which I have seen made more than once, and which I have heard repeated by my right rev. Friend below me (the Bishop of St. David's), that the object for which those services were instituted has entirely failed, state my impressions on that point. It was my privilege on three occasions to attend the services in Exeter Hall. On the first of those occasions I was requested to occupy a seat on the platform. [The Earl of DERBY: There is no distinction in the seats.] I was requested to occupy a seat on the platform, which was open to all as well as to me, and I went there. But I did not fully satisfy myself on that occasion as to the nature of the congregation of which I formed part, and upon the two subsequent occasions I took my seat in the body of the hall, in the very midst of the people for whose benefit the services were instituted. I was surrounded on all sides by men evidently in the position of operatives and mechanics. I could distinguish them by their dress, by their posture, and by every sign by which men can be known in society. I could also distinguish the effect of the services, in the attention with which they were received, and in the piety which appeared to me to surround me on all sides; and I am as convinced as that I now stand here and make this statement to your Lordships that the great body of these people did consist of operatives who were not provided with opportunities of attending other churches—though I will not say that they might not have attended them. But there was another remarkable fact in those vast assemblies with which I was no less struck on the first than on the last two occasions on which I was present; that was, the enormous proportion of males present in comparison with women. I say it without hesitation that of those great assemblies, consisting each time of between four thousand and five thousand people, unlike all other assemblies of that character at which I have been present there—for example, the May meetings—the proportion of men to women was at least twenty to one, whereas at the May meetings which I have attended the case was almost precisely the reverse. I will also say that the services instituted in Exeter Hall not only succeeded in drawing to them the population for whom they were intended, but that class on whose moral and religious habits it was the interest of this country to make the deepest and earliest impression. As a sincere friend of the Church of England, I must say that if you want to build up her fabric and extend her influence over the population, you cannot more surely attain that end than by attracting to her ordinances such congregations as I have seen assembled in Exeter Hall, whether these Sunday evening services are held there, or in St. Martin's Hall, or, what I should like to see still better, in Westminster Abbey.

The EARL OF SHAFTESBURY said, in answer to the right rev. Prelate who first addressed their Lordships (the Bishop of St. David's), he would state that he had received a letter yesterday morning from a gentleman who informed him that he totally disapproved of the Exeter Hall services, until he met with a manufacturer in Lambeth who told him that about seventy of his workmen regularly attended those services, not one of whom, he believed, was ever before in the habit of attending a place of worship. That he (the Earl of Shaftesbury) thought was a sufficient proof, not only that a large majority of the working-classes attended the services in question, but that portion of them for whom they were expressly intended.

Further debate on the said Motion *adjourned* to *Monday*, the 8th *day of February* next.

CONVEYANCE OF TROOPS—THE "AUSTRIA."

THE EARL OF HARDWICKE, in rising to move, That there be laid before this House Copy of the Contract made with

the Owners of the Steam Ship *Austria*, for the Conveyance of the 94th Regiment to India, said, that the conveyance of troops was a question which at all times interested the public, and it was a question relating not only to the economy of time and money, but regarding also the safety of brave men. In the month of August last the 94th Regiment was ordered to proceed to India. That regiment, he might say, having been sixteen years in that country, though it had been but one year at home, was selected as one peculiarly fitted for the service. The Government naturally wished to despatch the regiment with all speed, and the East India Company, with the sanction of the Government, engaged a vessel named the *Austria* to transport the troops. That vessel was not the property of an English subject or an English company. She was to sail from Cork upon the 5th of October. The troops were prepared to embark upon three separate occasions, but were prevented by delays. At length they sailed, but very soon the vessel was obliged to put back to Plymouth. Again they sailed, but again they put back, and eventually the Government were obliged to send the troops by the overland route, and to engage an Irish steamer to convey them to Alexandria for that purpose. The *Austria* was taken up from a Dutch company as he understood. It was now a thoroughly established principle that the Government were to accept the lowest tender for conveyance, where good securities were given. That principle should be carried out, but there were occasions on which it was right to make exceptions, and it was a question whether those exceptions were not fitly made where shipping was employed on important objects, considering that the shipping of the British nation was far better adapted for British purposes than the shipping of foreign nations. With respect to this particular ship he understood that she was a fine looking ship, but she was pronounced by the surveyor to be unfitted in her then condition for the conveyance of troops to India. It was then proposed that she should have a spar deck put over her main body, so as to make her more commodious. After a time, that deck not being finished, she put to sea with the regiment, having partly completed her deck, but starting probably to avoid the penalties of demurrage which a continued delay would have entailed. She, therefore, went to sea in this condition, contrary to the directions of the surveyors. When she got into the Bay of Biscay, she shipped so much water that she was compelled to put back. The surveyor then ordered the deck to be put on; which detained her six weeks; after which, on the 14th of October, she put to sea. On the 25th of November a portion of her machinery broke down, and she put back to Plymouth. When deprived of the use of her engines she was found to be a most difficult vessel under sail, and she had to be towed into Plymouth by two steamers. The crew were all foreigners but two, and there was no possibility of communication with them. This fact in a great degree augmented the anxiety of the passengers. From the 5th of October, when that vessel sailed from Cork for the East Indies, she had only arrived at Plymouth. On the point of economy of time and money, therefore, this vessel had completely broken down. While this system was going on, there were in the ports of England a steam navy boasted of as numbering 270 ships of various sizes, and a reserve of 10,000 men substituted for the coast-guard, instead of pressing men for the sudden manning of ships. It had been observed that the manning of the navy had been very much lost sight, and that there was a large list of officers doing nothing but receiving the public half-pay. It was a subject of astonishment that these officers were not otherwise made use of. The *St. Jean d'Acre* was lying at Plymouth, and of all the ships in the world there was nothing like a British man-of-war for carrying troops. Take out the lower guns, and there was the most perfect transport that existed in the world. The contract cost of conveyance of each man on board the *Austria* was £45, or nearly £30,000 on the whole, so that in point of money the employment of the Royal steamers would be a great gain to the country. With the experience of the Russian war before us, in which the transport service had cost the country no less than £9,000,000, he was justified in asking the House to consider whether it would not be advantageous to avail ourselves of the resources in the Royal harbours and dockyards. Now that we should have to maintain nearly 100,000 European troops in the East Indies, it was probable that there would be a re-

gular demand for vessels to convey troops to that country, and he would suggest that the Government should organize a system of transports, which should be entirely under their control, in order that they might, with facility and at a moderate expense, send troops to any quarter of the globe at a moment's notice. The noble Earl then moved for the Paper.

LORD PANMURE said, that his noble Friend, in making the Motion which he had just submitted to the House, seemed to have altogether lost sight of the fact that the transport of troops to India was contracted for by the East India Company, and that the vessels which were employed upon that service were surveyed by a surveyor, specially employed by the Company for the purpose. He might also inform the noble Earl that the system was one which had not been adopted of late years, but one which had been in existence ever since the troops of the Sovereign began to be conveyed to India. The Company was responsible for the expense of the conveyance of our troops from this country to India, but when they were about to return home, and were consequently no longer to be regarded as in the service of the Company, we were obliged to bear the cost of their transport. Now, out of the large number of vessels which had been employed by the Company in the conveyance of nearly fifty thousand soldiers who had left these shores for India, the *Austria* was, he believed, the only one in whose case a casualty had occurred, and the only one in reference to which he had heard any complaint made against the Company for not having paid due attention to the comfort and safety of the regiments which were embarked under their auspices. It was quite true that they had been accused, and perhaps not without some degree of justice, of selecting, in the first instance, ships of too small a calibre, and of distributing the troops in too many vessels; but, be that as it might, nobody could deny that the Court of Directors had latterly shown the greatest anxiety to secure for the transport of the troops the best vessels. With respect to the *Austria*, he would only say that the facts in relation to her had been correctly stated by his noble Friend opposite. She had been in the first instance found not to be sufficiently well adapted for the conveyance of troops upon a long voyage, and after considerable delay on the part of the Company in chartering her—for he must say in justification of the illustrious Duke at the head of the army, that he was not responsible for any delay which might have taken place in the embarkation of the 94th Regiment, inasmuch as when it had been notified to him that the regiment had been ordered on foreign service, he had made every endeavour to send it at once down to the port of embarkation—a still further loss of time had been occasioned in fitting her with those decks and cabins which had been considered to be essential to the comfort of the troops upon a long voyage. When, after those alterations had been effected, the *Austria* had set out upon her voyage, she met with an accident, but it was one of a nature which, he must contend, might happen to any vessel, and no sooner had the occurrence of the accident been ascertained than the determination had been come to to send the 94th Regiment *viâ* Alexandria, so that it might be expected to arrive in India not long after the period at which it would have reached that country had it been conveyed by the vessel in which it had embarked in the first instance. With reference to transport service generally, to which the noble Earl had called their Lordships' attention, and which was entirely under the control of the Admiralty, he could only say that he entirely concurred with his noble Friend in thinking that there could be no valid objection to the employment of the large class of vessels at the disposal of the Admiralty. Indeed, to prove to his noble Friend that Her Majesty's Ministers were not disinclined to use those vessels, he might state that in bringing home our troops from the Mediterranean one of Her Majesty's ships had been engaged. The noble Earl must, however, bear in mind that the officers in the navy were extremely adverse to having their ships employed as transports. Indeed, there was nothing which the captain of one of these vessels would in all probability like less than to be obliged to take out his lower-deck guns for the purpose of conveying a regiment of troops, and that such was the case his noble Friend must from his own experience be aware. A circumstance of that nature, however, was not one which ought to preclude the use of those vessels, when necessary, in

the transport service, and he should only add that upon no occasion on which it had been found necessary to send troops to any part of the world on the responsibility of the Government had the Board of Admiralty shown any indisposition to devote to the transport service the best vessels at their command. He should, of course, if his noble Friend wished for its production, have the copy of the contract which had been entered into with the owners of the *Austria* laid upon their Lordships' table; but as that document had nothing to do with the general question of the conveyance of troops upon the responsibility of Government, he trusted his noble Friend would deem it unnecessary to press his Motion.

In reply to Lord Melville,

Lord PANMURE stated, that the officer by whom the *Austria* had been surveyed was a gentleman who was employed by the East India Directors exclusively for the purpose of surveying their transports

Motion *agreed to.*

House adjourned at Eight o'clock till To-morrow, Three o'clock.

HOUSE OF COMMONS,

Tuesday, December 8, 1857.

Minutes.]—New Writ.—For Mayo, *v.* George Henry Moore, void election.

AUSTRALIAN MAIL SERVICE. QUESTION.

Mr. YOUNG said, he wished to ask the Secretary to the Treasury, What steps have been taken to prevent the interruption of the Steam Mail Service with Australia which is likely to be occasioned by the accident to the ship *Emeu;* and what provision will be made in future to prevent delay in this service in case of accidents to one of the steamships engaged in the transmission of the mails between Australia and Suez?

Mr. T. G. BARING said, that as the *Emeu* was to have taken the outward October mails from Suez to Sydney, and the accident occurred to her only shortly before she was to arrive at the former place, it was not possible for the company at home to take any steps to have that service performed by another vessel; and, unfortunately, there was not at Suez a spare ship belonging to the company. The *Emeu* ought in January next to have brought home the mails from Sydney, but the company could not take any steps to supply the deficiency caused by her absence, nor would the company's agent at Sydney be able to charter a vessel in her place, because the first intimation of the accident would be conveyed to Sydney by the *Simla*, which ought in due course to arrive at Sydney on the 9th of January, and the homeward mails ought to leave that port on the 14th of January. The loss of two mails would therefore follow from the accident to the *Emeu.* With respect to any provision to prevent delay in future, the Admiralty had directed their attention to the manner in which the service had been performed. They were aware of the interest with which the speedy and regular transmission of the mails was regarded both in this country and the Australian colonies. There was no doubt that the company in performing the service had experienced some accidents, but the contract had not been altogether carried out to the satisfaction of the Admiralty. In August last a letter was written to the company by the Admiralty, pointing out certain defects in the management of the mail service to Sydney. In reply, the Admiralty received an assurance from the company that a fifth or spare vessel would be placed on that station. Subsequently to that, the company's vessels having taken a longer time in making their voyages than was set forth in the contract, another letter was written to the company by the Admiralty, requesting information relative to the fifth vessel, and generally as to the performance of the service. The company stated in reply that they had chartered a vessel named the *Victoria*, which had been engaged in carrying out troops to Calcutta, and which was now there. The company hoped that the *Emeu* would be able to return, after being repaired at Bombay, to Suez, in time to carry out the February mails. The company's new ship *Australasia* would take her place on the station in exchange for the *Simla* in February. Another new vessel belonging to the company would be launched next month, the *Tasmania*, and they hoped that the *Oneida*, which broke down on her first voyage from Sydney, and which would be refitted with new boilers, would be on the station next summer. Consequently, in May next

the company would have four vessels of full power and tonnage as required by the contract, together with the *Emeu*, which, although smaller than the others, was, as he had that day been assured by the Admiralty agent who had sailed in her, a very efficient vessel for carrying the mails. The *Emeu* would be a spare vessel, and next summer the company would have five vessels engaged in the service. He trusted that the company would fulfil their contract, and that next summer the mail service would be placed on a satisfactory footing, which would no doubt be done if five vessels were placed on the stations between Suez and Sydney.

TROOPS FOR INDIA—QUESTION.

MR. W. VANSITTART said, he would beg to ask the President of the Board of Control, Whether, during the tenure of the Governor Generalship of India by the Marquess of Dalhousie, any recommendation was made by, or despatch sent from, the Supreme Government or the Commander in Chief in India to the Court of Directors or to the President of the Board of Control for an increase of European troops, in consequence of the extension of the British territories in the East, by the acquisition of the Punjaub, Pegu, Nagpore, Oude, Sattara, Jhansi, Berar, and other districts assigned to the East India Company by his Highness the Nizam of Hyderabad; if so, what was the date of such recommendation or despatch, and what was the date and the tenor of any reply that may have been sent; was any additional force of Europeans despatched to India in consequence, during the period referred to; and, if so, what number of men were sent?

MR. VERNON SMITH said, that the question of the hon. Gentleman was a very long one. He begged to inform him that there had been no official communication between the President of the Board of Control and the Governor General of India at any time, as all such communications were made through the Court of Directors of the East India Company. Therefore, if the hon. Gentleman wished for correct information on the subject to which his question had reference, his best plan would be to move for any despatch, if such there were, to the East India Company.

SIR JOHN PAKINGTON: I wish to ask the right hon. Gentleman the President of the Board of Control the questions of which I have given him notice. First, whether it is intended to include in the papers on Indian affairs promised in Her Majesty's gracious Message a Memorial which has been sent home by certain inhabitants of Calcutta, praying for the recall of the Governor General? The next question of which I have given notice was partly answered by a letter from the hon. Member for Southampton (Mr. Willcox) which was read in another place last evening. Still, perhaps, I had better put the question, making an addition to it. It is, whether there is any objection to lay upon the table all correspondence which has taken place since the commencement of the Indian revolt between any department of Her Majesty's Government and the Peninsular and Oriental Steam Navigation Company, and I will now add, with any other company, with reference to the conveyance of troops to India by way of Egypt?

MR. VERNON SMITH: Sir, in answer to the first question of the right hon. Baronet I have to state that it is not my intention to include in the papers to be presented to Parliament the Memorial of certain inhabitants of Calcutta forwarded to my right hon. Friend the First Lord of the Treasury. The right hon. Baronet knows from his colonial experience that the usual course in case of such petitions is, that they be forwarded to the Governor General or Governor of the Colony, as the case may be. This has not been done in this instance. The House must be aware that this is an excellent rule, as an answer may be made by the Governor; and as we are informed that in this case the Governor General has prepared a reply, we intend to send the petition back, in order that it may be forwarded through the usual channel — the Governor General. In answer to the second question of the right hon. Baronet, I must say that if he had not asked it, owing to a story being circulated to my disadvantage by persons who acknowledged that they believe the story to be impossible, but who at the same time took no pains to investigate whether it was true or not, I should have myself moved for the whole correspondence to be laid upon the table of the House. The right hon. Baronet has been pleased to say, although a similar measure of generosity has not been shown to me by others, that he is satis-

fied with the declaration which was made on my behalf in another place. But the right hon. Gentleman now asks me, whether there was any additional correspondence with any other company. Additional correspondence has taken place on this subject with other companies. With regard to the correspondence which the Peninsular and Oriental Company have had with Her Majesty's Government, I must correct the Return, as the right hon. Gentleman wishes for all the correspondence that has taken place with Her Majesty's Government I have made inquiry of all the other departments of the Government, and they have not any objection to produce the correspondence; but in my own department, the Board of Control, no communications have been made except through the East India Company. I shall be delighted to show all that correspondence to the House, but I would rather not present it myself, but that the right hon. Gentleman should move for it, for I admit I have some zest in seeing a political opponent showing up his own friends. I hope, therefore, my right hon. Friend will take upon himself to move for the correspondence.

Sir JOHN PAKINGTON: I wish, Sir, now to put one or two other questions to the right hon. Gentleman upon the same subject. I assure the House that I ask these questions with a very different and much more important object than has reference to any personal matter. I shall, however, have no objection to move, as the right hon. Gentleman suggests, for I see public reasons for doing so, and I suppose I had better include the correspondence with the Court of Directors of the East India Company. I wish now to ask whether it is true that Lord Stratford de Redcliffe telegraphed to the Government in this country that he had obtained a firman from the Sultan for the passage of troops through Egypt, and whether he will have any objection to state the date of the most friendly offers to which the noble Lord at the head of the Government has referred, from the Emperor of the French and from the Viceroy of Egypt, for the passage of any troops which the Government might wish to send through their dominions? I would also be glad to know whether Lord Elphinstone telegraphed to Lord Canning that if such course were desirable he was prepared to send steamboats to Suez to meet the troops? I am aware that I have not given the right hon. Gentleman any notice of these questions; so if he wishes I will repeat them on another day.

Mr. VERNON SMITH said, it would be more convenient to defer giving answers to these questions, as the principal part of them referred to the Foreign Office, and it was desirable to verify dates before stating them.

Mr. WISE said, he wished to know whether he understood the President of the Board of Control correctly, as having said that the inhabitants of Calcutta were precluded from sending any Memorial to Her Majesty without its passing through the hands of the Governor General of India?

Mr. VERNON SMITH said, they were not precluded, because they had actually done it, but it was the practice that they should not do it, and of that they had been informed.

THE TURKISH MEDALS—QUESTION.

Colonel NORTH said, he wished to ask the Under Secretary for War, When the Turkish medal and order of the Medjidi would be distributed to those officers and men of the army who were entitled to them? He hoped that he should not be thought to be taking up the time of the House improperly when he reminded hon. Members that nearly two years had elapsed since the war ceased, and not a single medal had been distributed.

Sir JOHN RAMSDEN said, he could assure the hon. and gallant Gentleman that there had been no remissness on the part of the Government. There had been repeated communications between this country and Constantinople, and within the last few days a despatch had been received from Lord Stratford de Redcliffe, stating, with regard to the Medjidi medals, that the delay arose merely from the time necessary for the Sultan's jewellers to prepare so large a number. There was no allusion to the Turkish medals, but he presumed they would be sent at the same time.

Colonel NORTH said, he wished to know whether it was true that the medals had been in the possession of our Ambassador for more than one year, if not for nearly two years?

Sir JOHN RAMSDEN said, he was not in a position to answer the question.

He was not aware whether they were in the possession of the Ambassador.

SIR JOHN PAKINGTON said, he would now ask whether the hon. Gentleman was able to state to what class of officers the medal would be given?

SIR JOHN RAMSDEN said, the Turkish medal would be given, he believed, on the same principle as the Crimean medal, to all the officers and men who served with the Turkish troops in the Crimea. With regard to the Order of the Medjidi, there were five classes, and when the Orders were received a Return would be laid on the Table of the House of the different officers who would be entitled to receive them.

HARBOURS OF REFUGE—QUESTION.

MR. FENWICK said, he would beg to ask the Secretary to the Treasury, Whether, in consequence of the evidence before the Committee appointed to inquire into the question of Harbours of Refuge last Session, Her Majesty's Government intend to recommend that a Royal Commission be appointed to inquire on the spot into the proper site for such a harbour on the north-east coast?

MR. WILSON said, it was not the intention of the Government to appoint a Commission at the present moment, but on the reassembling of Parliament after the Christmas recess the Committee would be reappointed in accordance with the recommendation contained in their Report.

LAW REFORM—QUESTION.

MR. COX said, he wished to ask the Attorney General, Whether the Bills for "simplifying and amending the Laws relating to Real Property, and also for consolidating and amending several important branches of the Criminal Law," would be laid on the table before the Christmas recess?

THE ATTORNEY GENERAL, in reply, said, the Bills would not be introduced until after the Christmas recess.

JOINT-STOCK BANKS—UNLIMITED LIABILITY—MOTION.

MR. HEADLAM said, that, in bringing before the House a Motion with respect to the unlimited liability of shareholders in joint-stock banks, he was not influenced by light or trifling considerations or by any mere wish to vindicate a favourite theory, but by the serious object of preventing the recurrence of great national disasters. If he looked on this subject simply as an amendment of a law—if he acted merely for the interest of those who were at present, or might at a future time be interested in joint-stock banks—though he might have made a Motion of this kind in an ordinary Session, yet he would not think the circumstances such as to justify him in bringing it forward at such a peculiar conjuncture as the present, when Parliament was specially summoned to take into its grave consideration a great monetary crisis. The reasons which had induced him to bring forward this question at this particular period were these. He had long entertained a rooted conviction—not arrived at now for the first time, but come to after the panic of 1847, when he had occasion to investigate the causes of the failure of the joint-stock banks which then fell—a conviction strengthened by subsequent observation and confirmed by the events of the recent monetary crisis—that the principle of unlimited liability of shareholders was a chief moving cause of the mismanagement of joint-stock banks; and further than that—that the mismanagement of these banks, by leading on to their ultimate failure, most materially aggravated and precipitated a national crisis such as that we had just passed through. So strong was his conviction upon this head, that he did not hesitate to express his individual opinion that, if he had been successful in the Motion which he made upon this subject in 1849, the recent crisis would have been disarmed of much of its force, and he should not now have had to bewail the wide-spread ruin and disaster that has fallen upon a long list of personal friends and constituents. One additional reason which had induced him to bring forward this Motion at this time was, that it was almost hopeless for a private Member to attract the attention of the House to the subject except at a moment like the present, when the public mind was fully roused in respect to it. In as few words as possible he would now state the nature of the case which he had to bring before the House, and the propositions which he thought he could establish by an appeal to undoubted facts of which they all had cognisance. He contended

that in periods of prosperity in trade, when the rate of discount was not high, and there was no undue pressure in the money market, mismanaged joint-stock banks laid the seeds of disease in the commercial system, which, when a period of pressure arose, developed themselves in the most alarming form. There were two modes by which joint-stock banks produced these results. First, by the power they possessed over capital, they were enabled to foster undue speculations, to give rise to enterprises which, though they throve for a time by the false credit which gave them birth, still remained in a condition to be overthrown by the first symptoms of a pressure. Secondly, by the principle of unlimited liability, they were enabled themselves to become indebted to an almost fabulous amount in all quarters of the money market, and thus they were placed in such a condition that it was next to a matter of certainty that when a time of pressure came they themselves should fall. Thus they converted a period, which would otherwise be only one of trifling and temporary inconvenience, into a great national crisis, involving all the evils which the country had just experienced. Whenever the pressure came, whether it were the result of an adverse balance of exchange, a deficient harvest, which imposed upon us the necessity of exporting bullion to pay for the people's food, or monetary disturbances in foreign countries, or any other accidental circumstance, the inflated credit created by the mismanagement of joint-stock banks collapsed, the joint-stock banks themselves fell, and then occurred precisely the circumstances described in the recent letter of the Government to the Bank of England, where they said, "Her Majesty's Government have observed with great concern the serious consequences which have ensued from the recent failure of certain joint-stock banks in England and Scotland, as well as of certain large mercantile firms." The question, then, was, were they prepared to allow the evil to go on without endeavouring to grapple with it. They had done so in 1847, and the result was, that in 1857 exactly the same events had occurred. Having passed over the former period without doing anything to prevent a recurrence of the evil, if they pursued the same course now, there was no reason to justify them in supposing that a similar course of events might not occur again and again in a constantly recurring cycle. He would now endeavour a little more fully to explain the particular modes in which a joint-stock bank was able to produce the effects he had just stated. A joint-stock bank possessed from its very nature an almost unbounded control over capital. At its foundation enormous sums, sometimes a million or more, were paid into its coffers in the shape of calls upon shares; by the modern system of paying high interest on deposits it was enabled to draw to itself all the capital of the surrounding district; and in consequence of the law of unlimited liability it had a further power of an infinitely mischievous nature to which he wished particularly to direct the attention of the House. A joint-stock bank, by the present law, possesses the power of mortgaging the real and personal property to the last farthing of every one of its shareholders. This was the very root of the evil. However notorious it might be that the original capital had long ago been wasted, however flagrant mismanagement might have been, and however widely it might be known that the assets were locked up in reckless speculation and worthless investments, yet still a joint-stock bank was able to keep up its head in the money market, and to borrow money, from the power which it possessed of pledging the credit of its shareholders. To make the case more intelligible he would illustrate it in this form:—Suppose that the shareholders in a joint-stock bank were to do individually that which they were enabled, under the existing law, to do conjointly, and were to pledge the whole of their fortunes in the money market, in order to raise as large a sum as possible to apply in promoting speculative enterprises. Suppose any individual thus to pledge his whole fortune and raise what he could in the money market to apply in speculation, there is little doubt but what such a course would lead to ruin, but such a course, fatal though it might be to the person pursuing it, would of course not deserve the name of a national disaster; but if, in place of one or two persons so acting, four or five hundred were to pursue such a career, then no doubt it would be admitted that that which was comparatively innocuous in one individual might well become a subject of serious concern. The mischief, however,

which these persons could do, in pledging separately their respective fortunes, was not so great as that which they could effect when they were united by the bond of a joint-stock bank, while it was impossible that they could spend the funds which they separately raised more recklessly or improvidently than joint-stock banks expended the funds which they raised upon their conjoint security. He had stated that joint-stock banks became indebted in large sums of money under the action of this principle of unlimited liability. How precisely was this accomplished? In the letter of the Directors of the Bank of England to the Government this paragraph occurred:—

"In the following week a great shock of credit, and a consequent demand on the Bank of England for discounts, arose from the failure of the Liverpool Borough Bank, whose re discounted bills were largely held by the bill-brokers and others in London."

He had no reason to suppose that the practice of re-discounting, which had clearly prevailed at the Liverpool Borough Bank, had not also been acted upon by the other joint-stock banks which had failed; and, indeed, in former years he knew that it had prevailed in such banks as had failed. The profit of a bank in the case of the re-discount of bills consisted, of course, in the difference between the rate charged by the bank in the first instance, and the rate at which it procured the bills to be re-discounted in the money market, and therefore the higher the rate of discount charged by the bank to its customer the higher the profit. The consequence was, that the bank had a direct interest in discounting bills of a speculative character on which a high rate of discount could be charged, the bank itself procuring the re-discount of the bill at a lower rate on the faith of the liability of the shareholders, whose names it put on the back of the bill. What was that but selling in the money market from time to time the security of its shareholders? The practical result was, that a bank acting upon this system was continually indebted in a large sum in the money market. Such was the state of the Liverpool Borough Bank at the period of its suspension, and such the state of the other banks which had failed. Now, although he (Mr. Headlam) did not pretend to have any intimate knowledge of banking, he was sure that the House must agree with him that a bank so circumstanced was in a thoroughly false position. It was the imperative duty of a bank which received deposits, not only not to be in debt, but to have a considerable reserve at all times available in order to meet any extraordinary demands which might be made upon it; and a bank which had not such a reserve was constantly liable to have its advances stopped, when the only course for it to pursue would be to suspend its operations. He might add that it was within his own knowledge that the joint-stock banks in London were not in that position; that they were not largely indebted in the money market; but that, on the contrary, they had large balances at the Bank of England. With respect to them, therefore, all he could say was, that the law of unlimited liability conferred upon them a power of a most mischievous description, which, however, practically, they did not make use of. He had stated that the great and serious difficulties which arose in the period of a monetary crisis were greatly enhanced by the failure of joint-stock banks. He confessed he thought it not necessary on this part of his subject to press much on the attention of the House, but if any confirmation of his view were required, he might refer at once to the Speech of Her Majesty delivered at the opening of the Session, in which the failure of joint-stock banks was stated as the first aggravating cause of the present crisis. He might appeal also to the events of 1847, when again the failure of joint-stock banks aggravated most materially the circumstances of the panic. Or he might refer to the speech with which Sir Robert Peel, in 1844, introduced his Bill for the Regulation of the Currency, when the right hon. Baronet stated that one of the things which he wished to guard against the recurrence of was the failure of joint-stock banks,—an object which the Act, whatever might be its other merits or defects, certainly had failed to accomplish. He would now proceed to state some of the reasons why he thought that the principle of unlimited liability tended directly to render the mismanagement of joint-stock banks not only possible, but probable. It would be found by reference to the history of these cases that when a great failure occurred in the case of a joint-stock bank, it almost invariably arose from the paid-up capital in the first instance being

wasted and squandered; and he was sorry to add that in cases where the paid-up capital had been so wasted it was generally attributable to mismanagement, amounting to something worse than a mere error in judgment on the part of those who had originated the bank in question. When a bank lost its paid-up capital, the law, if it were good and sound, would either compel it to be wound up at once, the shareholders submitting to the comparatively small loss which they had already incurred, or would render it incumbent upon them, if they chose to carry it on, to replace the capital which had been lost, to alter the form of management, and to place the establishment upon a safe foundation for the future. Instead of this, however, the operation of the existing law was such that, after the paid-up capital was lost, it was perfectly easy for a bank to continue its career of mismanagement. It could still obtain unbounded credit in the money market; it could continue its business for years, although its failure might be from the first almost a matter of mathematical certainty, and owing to the credit which it obtained through the unlimited liability of its shareholders, it was enabled to continue its downward career over a lengthened period. When its capital was thus lost it was almost a matter of certainty that it must go on for years getting into a worse and worse condition. It was compelled to pay large dividends upon the capital it had lost in order to give some compensation to its shareholders for the risks thus run, and in various modes it was obliged to carry on its business in a less economical manner than a solvent bank. It went on during the period of prosperity getting deeper in debt, and year by year the number of its bills for re-discount became larger, till at length the time came when its failure was immediately in sight and could only be delayed for a short time; and even then how did this law of unlimited liability work? It assured the wealthy shareholder and mismanaging director that if they could only contrive to carry on their mismanaged bank for a little longer they might dispose of their shares and the liability attaching thereto. It also assured them that should they attempt to bring exposure upon the fragile state of their bank, they would be the first victims of the crash, and would in all probability be ruined. When the law exposed men to temptations like these—when it held out to them such advantages and such means of escape if they pursued a wrong course, and such evils if they pursued a right course—was it wonderful that they should pursue that course which would lead to certain failure, and that they should endeavour to carry on a bank after it had in fact failed, in order to protect their own interests from the ruin? The result was that they went on until a pressure came on the money market, and then a bank in that position fell with a crash, which affected an entire district, and then it was that the shareholders were at length involved in entire ruin, that the trade of the whole district became paralyzed, and so continued till, by the gradual growth of capital in the district, trade again slowly revived. The daily records of the Court of Bankruptcy told of failures of this kind. The unlimited liability of the shareholders in a joint-stock bank rendered mismanagement probable, easy, and possible, and led to the fatal consequences to which he had alluded. He would now state to the House what was the origin of this law of unlimited liability, because he verily believed that a large proportion of its Members seriously thought that this law was prescribed in the first instance for the security of the public by providing for the good management of joint-stock banks. He believed that they imagined that joint-stock banks constituted the exception to the general law, because there was something in the principle of unlimited liability specially applicable to those banks. Now, so far from that being the case, he could assure the House that the truth was diametrically the contrary. So far from the Government of the time at which that principle was applied to joint-stock banks thinking that unlimited liability was beneficial to the public, they were of the reverse opinion, and that, instead of strengthening, it weakened joint-stock banks, and it was only because they were forced to do so that they applied that principle to them. That principle was, in fact, forced upon the Government by the Bank of England with the view of rendering joint-stock banks less formidable rivals than they otherwise would be to the Bank of England. Previously to the year 1826 joint-stock banks were not lawful in this country. The Bank of England alone, at that time, possessed the privileges of a

corporation governed by the principle of limited liability. With that single exception, all the banks throughout the country were carried on upon the principle of unlimited liability, and it was also a part of the law that they should not have more than six partners. A large proportion of those private banks failed in 1825, and then it was that the Government sought to establish joint-stock banks for the purpose of giving greater security to the public. The Earl of Liverpool and Mr. Huskisson, who then presided over the financial affairs of this country, took a view of the matter, which was a singular proof of their prescience and their sagacity, because at that time the country had not had the benefit, which we of these days have, of experience as to the principles of limited and unlimited liability. The Earl of Liverpool and Mr. Huskisson proposed that the principle of limited liability should be applied to the joint-stock banks then about to be established; but the opposition on the part of the Bank of England was so great that they consented to the principle of unlimited liability being applied to them. Again in the year 1833 the same thing occurred when the charter of the Bank of England came to an end. Lord Althorp was then Chancellor of the Exchequer, and he adopted precisely the same view as that entertained by the Earl of Liverpool and Mr. Huskisson with regard to joint-stock banks. Lord Althorp, in fact, in that year, proposed to the House of Commons that the principle of limited liability should be applied to joint-stock banks on the occasion of the renewal of the Bank Charter. He proposed that in the case of joint-stock banks not issuing their own notes, one-fourth of the capital should be paid up and vested in securities, that the shares should not exceed £100 each, and that the partners should only be liable to the amount of their shares; the opposition of the Bank of England was again fatal to the proposition. But having observed the conduct of the Directors of the Bank of England for some time, he (Mr. Headlam) had not the slightest fear that the Bank would at this day attempt to oppose the principle by which itself was governed being applied to joint-stock banks generally; and if the present Government held the same opinion as the Earl of Liverpool, Mr. Huskisson, and Lord Althorp on this question, he had every reason to hope that he should succeed in his attempt to gain for the country the great advantage of having joint-stock banks governed by the principle of limited liability. He was glad upon this occasion to bear witness to the large and sound principles which they had now adopted. He would now refer to the direct evidence afforded by experience. None of those evils which resulted in this country from the mismanagement of joint-stock banks had attended the management of those chartered banks which had been established in the Colonies. Take the case with regard to Scotland. In that country there was one bank which certainly was based upon the principle of limited liability, and there were two others with regard to which some doubt existed as to their liability, but the liability in the Bank of Scotland was certainly limited. Now, the Western Bank of Scotland and the City banks were both founded upon the principle of unlimited liability, and so far as experience went the results were in favour of the principle of limited liability; for while the two banks to which he had referred as having unlimited liability were compelled to suspend, the Bank of Scotland not only was able to tide through the difficulty, but also was able to avert disaster from her sister banks. When he had brought forward the question in the year 1849 the argument upon his side was much more difficult than it at present was, because at that time the principle of unlimited liability was the general principle of the law, and, therefore, no doubt, it was a difficult task to ask that House to alter the general principle in one particular case. At the present day, however, the principle of limited liability had been admitted with regard to other companies, and he believed still, as he had believed in 1849, that the case for the limitation of liability was stronger with regard to banks than with regard to any other commercial bodies. At present the case of joint-stock banks was the only exception, and even Lord Overstone, who was a strong opponent of the principle of limited liability, had stated in his evidence that if the principle were admitted he did not see any necessity for the exception. The question was one of great magnitude, and one which ought not to be delayed, and it was most desirable that the House

should come to a decision with regard to it, for to leave any question relating to banking in a state of uncertainty was almost as great an evil as the adoption of a wrong principle. If his arguments were wrong, and his experience unfounded, let the House reject his proposition; but he felt confident that the Resolution which he proposed was well worthy of being agreed to by the House. They had a precedent of the House adopting a Resolution in favour of limited liability, and upon that occasion the Government which was presided over by the noble Lord still at the head of the Government, and who for his firmness in carrying out the principle expressed in that Resolution was worthy of great credit, brought in a Bill to carry the Resolution of the House into effect. Should the House agree to the present Resolution, he trusted that the noble Lord would follow that precedent, and bring in a Bill founded upon it, containing such safeguards as he might think to be expedient. He could say, for himself, that he was so convinced of the propriety of the Resolution as to believe that if it were made the foundation of legislation, this short Session of 1857 would not have been passed over in vain; nay, he would go further, and say, that, although there had been great losses and distress occasioned by the recent crisis, still, if the House adopted the principle contained in his Resolution, they would have the satisfaction of thinking that we as a nation had at least gathered wisdom from our misfortunes.

Mr. EWART seconded the Resolution.

Motion made, and Question proposed,

"That the Unlimited Liability of Shareholders in Joint Stock Banks gives rise to a species of credit injurious to the interests of the public; and that the present Law enforcing the adoption of this principle requires alteration."

Mr. COWAN said, that it was very seldom that he had the misfortune to differ from his hon. and learned Friend, or to oppose his proposals in that House, but he hoped that the House would allow him, as the representative of the ancient metropolis of Scotland, and the seat of several of the most valuable institutions in the country, some indulgence in expressing his views upon a subject which was well worthy of the serious attention of the House. For his own part, he could only say that he had been entirely unconvinced by the arguments which his hon. and learned Friend had employed in order to induce the House to consent to the Resolution which he had placed on the paper. He would ask his hon. and learned Friend to suppose the case of a fleet of merchantmen accompanied by a convoy caught in a hurricane, and some of them driven ashore, with a great destruction of property, and he would ask him whether, under such circumstances, he would introduce a new theory as regarded navigation, or the rigging of ships, especially if it appeared that on board the wrecked ships no proper look-out had been kept, that too much canvass had been carried, or that there had been too little ballast on board? There was no need to explain the metaphor; in fact, perhaps an apology rather than an explanation was due to the House for using a figure with regard to a subject of such gravity and solemnity. His hon. and learned Friend had stumbled upon an argument which was not a very happy one, when he assumed that because the Bank of Scotland was founded upon the principle of limited liability, and that the Glasgow banks had unlimited liability, and that as the Glasgow banks succumbed when the Bank of Scotland did not, therefore the sound effects of the principle of limited liability had been illustrated in contradistinction to the mischievous results of unlimited liability. He would beg to inform his hon. and learned Friend that, with the exception of one or two doubtful instances, all the banks of Scotland were banks of unlimited liability, and by all of them were their obligations met with as much readiness as by the Bank of Scotland. Now with regard to the Glasgow banks, no doubt some of the shareholders had suffered severely, but he believed that all the obligations of those banks would be met in the course of time, and he thought that the great body of public creditors or depositors had not suffered one farthing's loss. He himself was most unwilling to accede to any Motion which would militate against the security of the creditor, unless some equally good security were provided. He had always thought it his duty to vote against limited liability, except in the case of companies formed for carrying out railways and other undertakings of such a magnitude as to be beyond the reach of private individuals, for he

thought that it was a principle fraught with danger to commercial credit. It was a sound principle, and one held by the best commercial lawyers of Scotland, as well as by that eminent authority Mr. Marshall, Lord Curriehill, that a man who shared the profits of any business was equally bound to bear the losses. Various taunts and insinuations had been thrown out by hon. Members of that House and by the public prints—and not the least, by the great Jupiter Tonans of Printinghouse Square, against the Scotch system of banking—taunts displaying an amount of ignorance which was only equalled by the intense and unworthy prejudice they indicated. There were two classes of institutions to which Scotland owed her prodigious advancement, if not her pre-eminence in many respects; namely, her banking system and her parochial schools, which had done more to elevate the moral and intellectual character and to develope the national resources of Scotland than any institutions that could be found in any age or country. He thought this discussion was ill-timed, and that they ought to wait until they got into smooth water again, but he would observe that the unlimited liability of the partners of joint-stock banks gave a valuable security to the poorer class of depositors which it would be most unwise to destroy. It was shown by the balance-sheet lately submitted to the partners of the Western Bank of Scotland that upwards of 26,000 of the depositors in that institution had sums below £50, and averaging only £19 12*s.* 6*d.* each. The position of these humble depositors, who had entrusted their hard-earned savings to this bank, which was, unfortunately, in a state of suspended animation, would be greatly deteriorated under a system of mere limited liability. Emphatic testimony had been borne by a Government Department in favour of the principle of unlimited liability as a security for the payment of all the obligations of a joint-stock bank, because not only had distinguished noblemen and gentlemen in Scotland offered to take the dishonoured notes of the two Scottish banks which had suspended in payment of their rents, under the conviction that every one of those notes would eventually be honoured, but the officers of the Inland Revenue Department had also issued a notice in which they represented themselves ready to accept them in payment of the public taxes; and this was a circumstance he wished particularly to impress upon the Chancellor of the Exchequer, as proving the confidence which was felt in the existing principle, and he might add that nothing had contributed more to the abatement of the panic. He had intended to meet the Motion of his hon. and learned Friend with a proposal for inquiry, which he now found to be informal; he trusted, however, that the House would allow him to state the reasons why an inquiry ought to be instituted. He thought his hon. and learned Friend (Mr. Headlam) had mistaken the causes of the late calamities. Malpractices, however, demanding a searching inquiry before that House had unhappily been rife. Was the case of the Great Northern Railway, which enjoyed limited liability, a favourable illustration of the advantages of that principle? The disasters which had occurred in connexion with joint-stock banks arose from gross mismanagement, breach of trust, and the neglect of a proper supervision of the officers. Moreover, there was reason to believe that for a series of years, in some one or other of these establishments, which he forbore to name, dividends two or three times as high as the sum fairly earned had been paid, merely because rival banks declared large dividends, and therefore it was necessary to keep up appearances without reference to the balance sheet. Again, if they were to believe the public prints, the entire available means of some of these institutions had been diverted from their legitimate object, and intrusted to two or three individuals, who used them for large trading or rather speculative purposes fraught with the greatest danger. Another mischievous practice which had much prevailed of late was the circulation of spurious bills of exchange called bills of accommodation, which purported to represent value interchanged between the parties, though no such value had really been interchanged. He did not wish to prevent one person becoming security for another, but the issue of these documents was something akin to forgery, and should be made an indictable offence. He hoped the Government would feel it to be their duty to carry out the suggestion of the right hon. Gentleman the Member for the University of Oxford, and consent to an inquiry into the causes of the commercial calamities that had

fallen upon the country. He had refrained from saying whether the inquiry which he now asked for should be by a Committee of that House or by a Commission appointed by the Crown; but he felt strongly that they would fail in their duty if they ignored the circumstances that had led to such frightful evils as he had described, and he trusted that even this short Session would not terminate without something being done to justify the expectations of their constituents on that head. Instead of moving the Resolution which he had placed on the paper, he should meet with a direct negative the proposition of the hon. and learned Member for Newcastle.

Mr. COLLIER said, that having in a previous Session moved a Resolution in favour of the principle of limited liability, a Resolution which had been carried, and had formed the basis of subsequent legislation, he would not shrink from carrying out that principle to its utmost limits; he would consent that all mercantile firms, including bankers, should be permitted to contract with the public either on the ground of limited or unlimited liability, the public having full notice of the terms of the contract, and exercising their discretion whether to trust them or not. This principle was based on the assumption that the mercantile classes were better judges of their own interests than either that House or the Government; and if the Resolution of his hon. and learned Friend (Mr. Headlam) had been confined to the assertion of that principle he should have felt bound to give it his support, but it went much further, and committed the House to the expression of an opinion that unlimited liability was the cause of a great number of disasters, and that banking carried on upon the principle of limited liability was better than banking conducted with unlimited liability. Now, he thought it would be extremely unadvisable for the House to give an opinion upon this subject. It was not for the House to say that one mode of banking was better than another; it was enough for them to say that they would not interfere, but that bankers and the public should be left free to choose for themselves. If, however, an opinion was to be expressed, he thought it should be just the reverse of that asked for by his hon. and learned Friend, for though he would allow banks to be established on the principle either of limited or unlimited liability, he thought that of the two an unlimited bank was better than a limited one. He would not prevent other people putting trust in a limited liability bank, but he would not do so himself. Of the two classes of persons whose interests were at stake—the shareholders and the public—he thought that if either were to be protected the interests of the public deserved more consideration than those of the shareholders. In the first place the shareholders were a very limited class as compared with the public; and again they had some cognizance of, and had, or ought to have some control over the conduct of their directors, while the public were altogether ignorant of their proceedings and innocent of their misdeeds. Take the case of the Royal British Bank, in which the greatest possible mismanagement, not to say fraud, had taken place. Even in that case the public had not suffered very much, for they would receive 16*s.* in the pound, and but for the grievous law expenses, which were referable only to a state of the law that was wholly indefensible, they would have been paid to the last farthing. His hon. and learned Friend said that unlimited liability encouraged speculation, while limited liability discouraged it; but that statement was at variance with all the arguments that had hitherto been urged upon the subject. It seemed to him to ignore all the experience we had of human nature to suppose that the man who had nothing to lose was not more likely to speculate rashly than the man who was liable to lose all that he had. Surely, the fear of loss must always be a great check upon the desire of gain. The arguments hitherto employed against unlimited liability were, that it checked commercial enterprise, and, on the other hand, it was contended that limited liability had a tendency to promote enterprise, to expand our commercial energies, and to some extent to encourage speculation; but now his hon. and learned Friend had discovered for the first time that all these arguments were fallacious, and that the tendencies of limited and unlimited liability were exactly the reverse of what everybody had hitherto supposed. He would not retain the House further than to say that for the reasons he had stated he could not support the Resolution of his

hon. and learned Friend as it then stood.

Mr. JAMES EWART said, he could see no reason why, as the House had adopted the principle of limited liability for other joint-stock partnerships, it should not be extended to joint-stock banks. The great objection he had to unlimited liability in banks was, that it induced persons to deposite large sums of money in them, and bill-brokers to discount to a great extent, which they would not do but for the reliance they placed upon the private fortunes of the shareholder. Hon. Members would remember the failure of a bank in South Wales some years ago. The bills upon the bank showed on the face of them a most wild and extravagant system of banking operations. At that time he was extensively engaged in trade, and discounted bills for them, and having obtained a list of all the shareholders in the concern he did not hesitate to go on discounting. At length he got somewhat alarmed and stopped the facilities which he had offered to them. The consequence was, that as other parties followed his example, the bank stopped, to the ruin not only of the unfortunate shareholders, but of very many persons in the district. He would give his cordial support to the Motion of the hon. Member for Newcastle.

Mr. WYLD said, it seemed to be assumed by the hon. and learned Member for Plymouth (Mr. Collier), that on the failure of a bank which traded on the principle of unlimited liability the public were not sufferers, but the truth was that in every such instance the public were severe sufferers. In the case of the Royal British Bank only 8*s.* in the pound had been declared, and it was supposed that 18*s.* 6*d.* would be paid after exhausting the whole shareholders, but this arrangement had not yet been carried out. In unlimited liability banks they had few of the wealthy and respectable portion of the community. The shareholders were usually people of small means. In the Royal British Bank many of the shareholders were governesses, shopmen, and clerks, &c. Though at first sight unlimited liability held out the prospect of obtaining means enough to meet all claims, yet in reality it was not so. Those who were in good circumstances left the country, and those who were compelled to remain had to pay as they could. He knew from his investigation into the affairs of the Royal British Bank that if the principle of limited liability had been adopted the whole sum due to the creditors would have been paid. If the hon. and learned Gentleman (Mr. Headlam) did not succeed in carrying his Motion, he trusted that the Government would allow the subject to form part of the investigation entrusted to the Committee to be appointed.

Mr. LOCKE KING remarked, that he thought it important that one great distinction between banking and other trades should be kept in mind. Other traders employed their own capital, but bankers traded with the capital of other parties. If the principle of limited liability had been applied to banks he believed that there would have been far more distress than had actually occurred during the last few months.

Mr. WEGUELIN said, he was unable to vote for the Resolution as it stood. To limit the liability of banks to their paid-up capital would be, in his opinion, not only prejudicial to the banks themselves, but also to the public interest. He agreed with the hon. Member who had just sat down, that bankers dealt with the capital of other people, and in that respect there was a marked distinction between banks and other trading establishments with the exception of insurance offices. But if Parliament limited the liabilities of a bank it would also limit its credit, and the credit of a bank was its sole and true capital. Its credit was that on which it traded and which induced people to deposit their money. It was for the public interest that banks should be stable, sound, and of undoubted character, in order not only that the depositors should be protected, but that in time of pressure there should be no question about the stability of the banks, and no difficulty as to their circulation. It was true that in former years the Bank of England opposed the establishment of joint-stock banks. He did not remember the grounds upon which that opposition was founded, but he was satisfied that it was based upon public grounds. The Bank of England did not either then or now desire to see an unsound system of banking introduced into this country, for no establishment was more prejudiced than the Bank of England the moment commercial credit was shaken. It was most desirable in the interest of

the Bank of England that none but sound and stable banks should be established. Mismanagement had not been confined either to banks of limited or unlimited liability, and when it was stated that prudent men would not join in any bank of unlimited liability he could assert that he knew many wealthy and most respectable men in London who were members of joint-stock banks. The same also might be said of joint-stock banks in Manchester and Liverpool. He would admit that as far as prudence was concerned he should not like to be a shareholder in a bank of unlimited liability, unless the capital of the bank were so large that no doubt could be entertained that the capital would be sufficient under any circumstances of mismanagement. An argument had been used in favour of limited liability which certainly in his opinion had some weight. In the event of mismanagement occurring the shareholders who might be cognizant of that mismanagement knew that if they exposed the affairs of the bank they might stop it, and thus bring its liabilities upon themselves, and this rendered them timid and unwilling to expose that mismanagement. It was supposed that if their liability were limited they would no longer feel this timidity, and that the mismanagement would not go so far. There was force in that argument, and when he said that he could not support the Motion as it stood on the paper he meant that if the hon. and learned Gentleman (Mr. Headlam) would propose that there should be a large reserve of liability behind the paid-up capital, as in the colonial banks, where it was doubled or trebled, he should be happy to support the hon. and learned Gentleman. One objection to the proposal was, that the public could not very well take into consideration the difference between limited and unlimited liability in banks. Besides, it must be considered that the public are not exactly free agents in their transactions with banks. If a trader did not wish to place himself under a disadvantage with other traders he must take the notes of the banks in his neighbourhood, whether they were banks of limited or unlimited liability. There was therefore an objection to mixing up sound with unsound banks in the same neighbourhoods. The argument had been used that unlimited liability had not been sufficient for the protection of those who had trusted joint-stock banks. That argument had astonished him, because, although ever since joint-stock banks had been established there had been many deplorable failures and to immense amounts, he could only recollect two instances in the last twenty-five years in which the depositors had not been paid in full—the one being the Glamorgan Bank, which paid 18*s.* or 19*s.* in the pound, and the other being the composition paid by the Royal British Bank. That was a very strong argument, as far as the public were concerned, in favour of unlimited liability. The difficulty of obtaining prudent managers was the same in both cases. It was well known that the circumstance which had prevented the increase of joint-stock banks in London was the difficulty of obtaining safe and prudent managers. It was easy enough to get ornamental and aristocratic directors, and to obtain good commercial names, but the great difficulty was to get a good manager. That difficulty would remain whether banks were established with limited or unlimited liability. He recollected that a few years ago there was a great desire to establish joint-stock banks in London in consequence of the large dividends paid by some of these banks, which were very well managed so far as he knew. Great difficulty was then found in obtaining persons who could be prudently trusted with the management. One or two applications were made to clerks in the Bank of England to undertake these concerns. Some accepted the offer, and he felt it as a great compliment to the way in which the business of the Bank of England had been conducted that these offers should be made. He thought, too, he might add that the prudent management of the London joint-stock banks was in great part owing to the excellent traditions of the Bank of England and to the Lombard Street style of banking; but it could not be expected that those principles would be carried out if banks were extended all over the country; but you would have weak and ill-managed banks, and in periods of pressure like that which had just occurred, instead of one or two joint-stock banks failing, they would go down by the dozen. For these reasons he was desirous of seeing the proposition modified, so that there should not only be a large paid-up capital, but a large reserve of liability.

THE CHANCELLOR OF THE EXCHEQUER: I quite concur in the observation made by my hon. and learned Friend the Member for Plymouth (Mr. Collier) with respect to the form in which my hon. Friend who has made this Motion has expressed it. The Motion is in the form of an abstract Resolution —which is a form to which the House is always somewhat cautious in acceding —"that the unlimited liability of shareholders in joint-stock banks gives rise to a species of credit injurious to the interests of the public, and that the present law enforcing the adoption of this principle requires alteration." Now, if he had expressed his Motion "that the present law, which enforces on shareholders of banks unlimited liability and leaves them no option, is inexpedient and requires revision," the House might, perhaps, have been willing to entertain that proposition. But I must profess my unwillingness to be bound down to a formula of this sort, "that we think that the unlimited liability of shareholders in joint-stock banks gives rise to a species of credit injurious to the interests of the public." The inference which I understand naturally follows from these words is, that we ought to prohibit unlimited liability, and make it imperative on all shareholders in banks to have limited liability. If unlimited liability lead to dangerous consequences, surely it may be argued that we ought to set about enforcing limited liability. That is a conclusion to which I, for one, object to being bound without further investigation, and therefore, agreeing with my hon. and learned Friend the Member for Plymouth, I cannot vote for this Resolution. But the question is one of importance, particularly at the present moment, and perhaps the House will allow me briefly to express some opinions upon it. There is one distinction which I think has not been sufficiently adverted to in the course of this debate. The functions of banks are two. One function is the issue of notes, and the other is the receipt of deposits. There seems to me to be a considerable difference in the question of the unlimited liability of shareholders with respect to those two functions. When a country bank issues notes, although those notes are not, according to our law, a legal tender, as are the notes of the Bank of England, nevertheless they do in the district pass current. They practically discharge the office of money, and no person in the ordinary course of business has an option about accepting them. Therefore the note of a country bank passes, not on the credit of the person who pays it, but on the credit of the bank which issues it. A tradesman in a country town to whom a country bank-note is offered in payment of a debt practically is unable to refuse it, although he does not take it on the credit of the person who asks him to receive it, but on the credit of the bank whose name it bears. He can hardly be said to be a voluntary agent, like the depositor who selects the bank for the deposit of his money; and it appears to me that unless you require the deposit of securities for the issue of notes,—unless you require notes to be issued against bullion in the custody of public functionaries, — unless you take some precaution of that kind, it will be unreasonable to deprive the holder of notes of the security from the unlimited liability of the shareholders. With regard to that part of the functions of a bank I must altogether dissent from the doctrine of the hon. and learned Gentleman who has moved the Resolution, "that the unlimited liability of shareholders in joint-stock banks gives rise to a species of credit injurious to the interests of the public." On the contrary, it seems to me that with respect to the issue of notes it gives rise to a species of security to which the public are entitled, and of which it would be most unjust to deprive them. My hon. and learned Friend's arguments, however, did not apply to that class of obligations. They applied altogether to the deposit business of banks. There is no doubt that many of the joint stock banks may be considered to a great extent as mercantile firms, and that when we have applied to other mercantile associations the principle of limited liability—when we have by statute given to those associations the option of having limited or unlimited liability, reasons may be fairly alleged against preventing banks, with regard to the deposit portion of their business, from conducting their business on the principle of limited liability. But I will call the attention of the House to the manner in which limited liability came into our legislation. We began by introducing it by special Acts with regard to large works

and projects, involving great expense, such, for instance, as canals and railways. The argument which prevailed in Select Committees of this House, and which was accepted as authorising the establishment of special Acts derogating from the general law, was, that it was expedient to encourage enterprise, that persons would not go into great and uncertain undertakings with unlimited liability, and that it was desirable, therefore, to limit their liability. That was the way in which the principle was introduced into our legislation. It was first engrafted into local Acts, and then embodied in a general statute, applicable to mercantile associations, and I have always understood that one of the main arguments relied upon for applying it to mercantile associations was, that it promoted mercantile enterprise. That argument, let me observe, does not apply to banks. There is no object in promoting enterprise in banks. In fact, one of the objects which you would seek to attain with regard to banks, is rather to check their credit and any tendency to speculation incident thereto than to increase it. And I must admit that I believe one of the effects of the limited liability of banks would be, as has been remarked in the course of this debate, that it would in some degree repress undue credit, inasmuch that at present the knowledge that various wealthy persons with large possessions are among the shareholders of a bank induces discounters to look to the name of the bank only on the back of a bill, to be indifferent to the bill itself, and not inquire into its character. I think it is not an unfair argument to urge that if the liability of the shareholders were limited, and the credit of the bank were therefore less comprehensive, bill-discounters would look rather to the character of the bill itself than to the single credit of the bank, and that it might introduce wholesome caution among commercial men with respect to such transactions. That argument, however, is accompanied by other considerations, and I confess that, looking to the fact stated by the hon Member for Southampton (Mr. Weguelin), who spoke with so much ability on this subject, that the great majority of joint-stock banks which have failed have ultimately proved solvent and discharged all their obligations, it is strongly in favour of maintaining the present law, and not abridging the security which depositors are certainly entitled to, if they can obtain it. The suggestion, therefore, which I shall make to the House will be, that if they should agree to the Motion which I shall submit on Friday night for the appointment of a Committee to inquire into the question of banking, the question of limited or unlimited liability with respect to joint-stock and other banks be considered by that Committee. It will properly fall within the scope of their inquiries. It will certainly involve other questions, such, for instance, as to the security which may be taken for note issues. It can hardly be considered by itself on the general ground of the limited liability of mercantile associations, and in that manner the House will be more likely to come to a satisfactory conclusion on the subject than if they accede to the Motion of my hon. and learned Friend. I therefore must be under the necessity of voting against the Motion of my hon. and learned Friend.

Mr. MALINS said, he agreed in thinking with the hon. Member for Southampton (Mr. Weguelin) that the joint stock banks of the metropolis had been conducted in a more satisfactory manner than those in the country, but at the same time no one could look at the recent failures of the Royal British Bank and the London and Eastern Banking Corporation without coming to the conclusion that the present system of unlimited liability was not based upon a safe, sound, and sensible principle. There were advantages, no doubt, in the unlimited principle, but there were also disadvantages which brought discredit on the country and ruin on shareholders, and it therefore became incumbent that the House should take some steps to prevent their recurrence. The principle of unlimited liability allowed joint-stock banks to obtain a greater degree of credit than they could otherwise command. It had been stated that without it acceptances of the Glamorganshire Bank would not have been discounted, and in that event, the public would to a certain extent have been benefited when the bank failed. The hon. Member for East Surrey (Mr. Locke King) argued that there ought to be an exception made with respect to banks, because they traded with the capital of others, but surely the man who traded with goods entrusted to him on credit, traded just as much on other people's capital as the banker who traded with the bank-

notes and sovereigns deposited with him. The two cases were exactly the same, and the principle of limited liability applied equally to both. The hon. Member for Southampton (Mr. Weguelin) had confessed that he should be very unwilling to be a shareholder in an unlimited joint-stock bank, and after recent experience that opinion probably would be shared by a majority of men of capital, experience, prudence, and far-seeing sagacity. But these were exactly the sort of men wanted to conduct the banking operations of the country, and who were prevented from engaging in that kind of business by the evils of the present system. It was most desirable that the proprietary should consist of such men, instead of shareholders, not one in ten of whom could meet their liability, when the occasion arose, and whose connection with a bank of unlimited liability was calculated to deceive the country. It seemed to him that the Motion of his hon. and learned Friend was not put in a tangible shape. He was not for enacting a compulsory limited liability, but would tender the option to joint-stock banks of conducting their business on either principle. If the principle of limited liability were chosen, of course the usual notices would have to be given, the public would know exactly the limit of the liability, and every man could choose for himself whether he would do business with the limited or unlimited banks; and if the limited principle did not find favour the banks conducted on it would soon have to shut their doors, and no harm would be done. At any rate the adoption of the limited principle would teach caution, and would never involve shareholders in the ruin and misery which had been produced by the unlimited banks. It would induce men of capital and experience to join these concerns, it would improve the condition of the banking interest, and confer a great boon on the country at large. He rejoiced to find so strong a feeling in that House against the compulsory principle of unlimited liability, and he was well pleased that two such authorities as the Chancellor of the Exchequer and the hon. Member for Southampton had ranked themselves among the antagonists of such a principle. Every one must allow that the present state of things was most unsatisfactory, and could not be allowed to go on without some attempt at amendment.

MR. T. HANKEY said, that if he supposed the Resolution of the hon. and learned Member for Newcastle was intended to recommend the compulsory adoption of limited liability by all joint-stock banks he should not vote for it; but all that he understood him to propose was that it should be left optional, just as it was with every other joint-stock undertaking. His wish was to see the law which applied to other joint-stock undertakings extended to joint-stock banks; nor had he heard any argument to convince him that such an extension would have any other effect than to give greater confidence to the public, and induce persons of capital to embark their money in that species of trade, which under the uncertainties of the present system they were deterred from doing. With these convictions, and with the view of rendering the meaning of the Resolution upon this point clearer, he should move as an Amendment the substitution of the following words:—

"That the present law enforcing the unlimited liability of the shareholders in joint-stock banks requires alteration."

MR. PULLER seconded the Amendment.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words, "the present Law enforcing the principle of the Unlimited Liability of their Shareholders on Joint Stock Banks, requires alteration,"—instead thereof.

MR. BUCHANAN observed, that he thought, as the subject involved questions of great importance, with respect to which much difference of opinion prevailed, that the best course would be to adopt the suggestion of the Chancellor of the Exchequer, and refer the whole matter to a Committee.

MR. HEADLAM, in reply, urged that the Motion was one which ought not to be got rid of by special pleading. Nor did he see any reason for altering its terms, as it expressed no opinion that banks on the principle of unlimited liability should not be permitted to exist; all that it declared being that the present law enforcing the adoption of unlimited liability required alteration, and he had certainly heard no valid objection to such a Resolution. As to referring the

subject to a Committee, the effect would be wholly nugatory. Twenty gentlemen could be as readily found to give evidence in support of one principle as the other; and when all was over the Committee could do no more than count the number of witnesses on either side and allow the public to balance the weight of testimony as they might think fit. Under the circumstances he would not accept the offer of the Government, therefore, to refer the subject to a Committee, but he had no objection to adopt the Amendment if the House should prefer it to the Resolution which he had proposed. The subject was of such a nature, however, that he was anxious to take the opinion of the House upon it.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived.*

Question put,

"That the words 'the present Law enforcing the principle of the Unlimited Liability of their Shareholders on Joint Stock Banks, requires alteration,' be added, instead thereof."

The House *divided*:—Ayes 47; Noes 111: Majority 71.

BEVERLEY ELECTION.

PROSECUTION ORDERED.

Resolution (3rd August last) reported from the Select Committee on the Beverley Election Petition read:

Ordered,

"That Mr. Attorney General be directed to prosecute Edward Auchmuty Glover, esquire, in respect of the Declarations made and signed by him, under the Act 1 and 2 Victoria, c. 48."

Ordered,

"That the proper Officers of the House, and the Shorthand Writer attending this House, have leave to attend and give evidence, and to produce such Papers and Documents as may be required, on the trial of the said Edward Auchmuty Glover, esquire."

MAYO WRIT.

COLONEL FRENCH moved:

"That Mr. Speaker do issue his warrant to the Clerk of the Crown in Ireland to make out a new Writ for the electing a knight of the shire to serve in the present Parliament for the county of Mayo, in the room of George Henry Moore, Esq., whose election has been determined to be void."

COLONEL NORTH said, he rose to oppose the Motion on the ground that the Committee that tried the petition, and of which he was a Member, thought that the writ should not be issued until the result of the trial ordered by the House with reference to the last election was known. The inquiry lasted nearly five weeks, and during its progress circumstances of such a nature were made known to the Committee as to induce them to recommend the House to suspend the issue of the writ until the trial of those priests, against whom a prosecution had been commenced in pursuance of a Resolution of the House, and the result of which trial would shortly be known. He therefore begged to move that the issue of the writ be suspended until then.

COLONEL FRENCH said, he would remind the House that when this question was brought before them last Session they resolved that the writ should be suspended during that Session; and he called upon the noble Lord at the head of the Government to put a stop to the attempt of the hon. and gallant Gentleman to overrule the privileges of the electors of Mayo.

VISCOUNT PALMERSTON: When this question was last brought before the House I certainly concurred in the opinion of those who thought that the writ should not issue, and that it be suspended until a certain prosecution was terminated, believing at that time that that prosecution would take place in the course of the autumn, and that before Parliament met again the House would be in a condition to order the issue of the writ. It is perfectly unnecessary to explain the reason why that result has not taken place. The prosecution is still postponed, and I confess, under these circumstances, it appears to me doubtful whether it is right and proper that we should continue to oppose the issue of the writ. I am bound to say that the objection which was urged against its issue last Session is no longer tenable, and as far as I am concerned, I have no objection whatever to urge against the Motion of the hon. Member for Roscommon.

Motion *agreed to.*

THE QUEEN'S MESSAGE— PENSION TO SIR HENRY HAVELOCK.

RESOLUTION.

HER MAJESTY'S Message *considered* in Committee.

(In the Committee.)

HER MAJESTY'S Message read, as follows:—

"VICTORIA R.

"Her Majesty being desirous of conferring a signal mark of Her favour and approbation on Major General Sir Henry Havelock, Baronet, K.C.B., for the eminent and distinguished services rendered by him in command of a body of British and Native Troops in India, and particularly in the gallant and successful operations undertaken for the relief of the Garrison of Lucknow, recommends it to the House of Commons to enable Her Majesty to make provision for securing to Sir Henry Havelock a pension of One Thousand Pounds per annum, for the term of his natural life.

"V. R."

VISCOUNT PALMERSTON: I rise, Sir, to perform a duty which is most gratifying to myself, and which I trust, nay, I am sure, will be equally gratifying to the House,—that is, to propose a Resolution in accordance with that intimation of the wish of the Sovereign which has just been read from the Chair. It is almost unnecessary, I am persuaded, that I should say a single word in order to recommend a Motion to the House in favour of which I am convinced every hon. Member will be only too glad to vote. It was said by Mr. Canning that India is a land fertile in heroes, but the fact is that India is a land fertile in those events which give to British subjects the opportunity of displaying those great and heroic qualities which abound so much among the inhabitants of the nation to which we have the happiness to belong; and among those who have of late had an opportunity of distinguishing themselves, few have been more fortunate than Sir Henry Havelock, and none have better availed themselves of that fortune. Sir Henry Havelock is not a soldier of yesterday. He has served with great distinction in almost all the operations which of late years have been carried on in India. He served with distinction during the operations in Burmah, and with equal distinction in Affghanistan. Wherever, in short, British troops have been called upon to act for the honour, dignity, and interests of their country in India, there Sir Henry Havelock has been known to hold a prominent and distinguished position. As regards the late operations in India, to which the Resolution which I am about to propose more particularly relates, Sir Henry Havelock has had the good fortune in the short space of two months to gain nine victories over a force numerically very superior to his own, and in the course of those brilliant operations not only has he defeated the enemy nine or ten times, but he has taken, I believe, seventy pieces of cannon. The two men who in the late operations in India have gained the greatest and most signal military successes are Sir Henry Havelock and Sir Archdale Wilson. Of these two Sir Henry Havelock belongs to the Queen's Service, and it was therefore for Her Majesty to recommend to this House to take into consideration what grant should be bestowed as an acknowledgment for his services. General Wilson, on the other hand, belongs to the service of the East India Company, and the East India Company claim as a right to themselves the privilege of doing for Sir Archdale Wilson, as a reward for the capture of Delhi, that which Her Majesty recommends this House to do for Sir Henry Havelock, who is an officer in her own service, in reward for his distinguished services at Cawnpore and Lucknow. Her Majesty has conferred upon both of these distinguished officers the dignity of a baronet, and she has also conferred upon them that other distinction which I believe is dearer to a soldier than any title he can receive—I mean that military order which is an object of the utmost desire and ambition, and the greatest stimulus to exertion to every soldier. It is, however, usual in cases of this description for the Sovereign to invite Parliament to partake in a duty which is most agreeable to the Sovereign, and which can be no less agreeable to Parliament—I mean that of acknowledging and rewarding the distinguished services of her officers. I must also add that, although Sir Henry Havelock and Sir Archdale Wilson have so greatly distinguished themselves, we must not forget, while we are commemorating their actions and rewarding their services, that there are others who, although they have not perhaps had the same good fortune of having the opportunity afforded them of performing such specific actions as have fallen to the fate of those two officers, are

still well worthy of having their services recorded. In recording the exertions of Sir Henry Havelock we must not forget the chivalrous conduct of Sir James Outram. That gallant officer, when he joined the force under Sir Henry Havelock, might, from his superior military rank, have assumed the command, but, with that delicacy of feeling which is ever the concomitant of true courage, he nobly abstained from doing so, and placed himself as a volunteer under the orders of General Havelock, because he thought that the man who had gone through such difficulties and dangers, and who had made such great exertions to relieve Lucknow, ought not to be deprived by the arrival of a superior officer of an atom of glory, but that he ought to be left to finish that which he had so well begun. The list of those who have gained distinction in this unfortunate and calamitous war is a numerous one:—Wilson, Havelock, Greathed. Eyre, Salkeld, Home, the last two of whom we can only deeply regret, for as they lived so they nobly died in the service of their country; Nicholson and Neill, two officers whose loss the country must most deeply deplore. Then, again, we have Sir John Lawrence, who, although not engaged in active military service in the field, yet by his energy, by his powers of administration, by the manner in which he developed and organized the civil and military resources of a province, which was supposed by those who at one time professed to be authorities upon the subject to be our weak point, but which has turned out to be our strong point, has performed great services to his country, and those services will no doubt be done justice to when the time arrives for taking a general review of the career of all those engaged in the conduct of operations in the East. Then, again, we have General Wheeler, who also, placed in a position of the utmost difficulty and danger, nobly did his duty, but lost his life in the service; Chamberlain, Cotton, Edwardes I might add to this list;—in fact, there is hardly a single officer who has not been called upon in the course of these events to perform any duty who has not acted in a manner which would entitle his services to be enrolled in the annals which record the military fame of his country. At present, however, my duty is to confine myself to the case of Sir Henry Havelock, and therefore I will not trespass longer upon the attention of the Committee, but will at once, Sir, place this Resolution in your hands.

Moved to resolve—

"That the annual sum of One Thousand Pounds be granted to Her Majesty, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to be settled upon Major General Sir Henry Havelock, baronet, K.C.B., for the term of his natural life, to commence from the 7th day of December, 1857."

SIR JOHN PAKINGTON: Sir, I hope I may be allowed the great satisfaction of seconding the Resolution which has been proposed in terms so just and so appropriate by the noble Lord. I most entirely concur with the noble Lord in the belief that there can be no difference of opinion as to the propriety of the step which is now proposed. I think, on the contrary, that upon all sides and among all parties in this House there can be but one unanimous feeling of cordial concurrence in the proposal of the noble Lord. If there be, indeed, any Member of this House who feels any doubt as to the proposal of the Government, I think that that doubt will be as to whether the present proposal is sufficient to meet the desire of the public and the feelings of the House with regard to the acknowledgment due to those distinguished officers. I heard with great pleasure the manner in which the noble Lord coupled the names of Havelock and Wilson. The distinction drawn by the Government as to the pensions to those officers is of course, under the circumstances, perfectly correct; but there is no distinction, I will venture to say, in the gratitude we owe, and which, in common with all the public, we feel to those distinguished men. I think that, considering the climate, the time of year, the number of battles fought, and the distance marched, the march of General Havelock with his devoted band of heroes deserves to be recorded among the most brilliant achievements that shed lustre on our military annals. Nor less conspicuous, although of a different character, were the services of General Wilson and his heroic force before Delhi. Placed upon the heights before that town, he had to contend not only against the dangers and difficulties of the climate, but also against incessant, almost daily, attacks of an enemy greatly superior in number. We should bear in mind also one circumstance which the noble Lord omitted to refer to. The enemy with whom General Wilson had to contend were not only superior in number to the

force under his command, but they had also the advantage of that discipline which we had taught them, and they were armed with the very weapons which we had put into their hands; and although the relative superiority, man to man,—and a wonderful circumstance it is—of the European over the Native appears to be as great as it was in former times, before they had been disciplined by us, we must recollect that throughout this combat the Natives opposed to us have exhibited great skill and power in that important arm, artillery. If the authority of the Crown be shortly restored in India, as we must all hope it may be, I think we must look to the heroic valour of those gallant bands under Wilson and Havelock as having been the primary cause of that result, for while those large reinforcements which the Government have sent out from this country to the East were lying becalmed upon the Equator or tossing about round the Cape of Good Hope, those two little bands, opposed to a force numerically stronger, succeeded in stemming that torrent by which the British power in India seemed in danger of being overwhelmed. I am glad that the noble Lord has done justice to the great and generous conduct of Sir James Outram. There never was an incident more honourable to a British officer or more clearly showing that generosity which so much becomes the soldier, than the order of the day issued by that distinguished man which we have lately had the pleasure of reading. When Sir James Outram arrived at General Havelock's position he had, as senior officer, a right to claim the command, but he did not wish that General Havelock should be interrupted in his heroic career, and therefore he relinquished the command of the force which relieved Lucknow. Let it be our earnest hope and prayer that the next intelligence we receive from India may confirm our expectation of the safety of that gallant band, and inform us that General Havelock has entirely succeeded in his great object, and that the garrison of Lucknow is entirely relieved from the imminent dangers which at present seem to surround it. Sir, while we pay just honour to the commanding officers, let us not forget the heroic gallantry of the troops who served under them. Nothing could exceed the difficulties and dangers encountered by the forces under General Wilson and General Havelock, except the distinguished bravery by which those difficulties and dangers were met; and I hope that I shall not be thought to encroach unduly upon the proper province of Her Majesty's Government if I throw out a hope that, considering how diminished by the fortune of war and the effects of the climate those two little bands now are—considering how few men still survive who have either gone through the entire siege of Delhi or have followed General Havelock from the beginning to the end of his marches—I cannot help entertaining a strong wish that it may be deemed right and consistent with precedent by those who advise the Crown on these subjects that some distinguishing honour and reward should be conferred on the remnant of those gallant men to whom the country owes a debt of gratitude which it is impossible to overestimate or repay. With these feelings, Sir, I most heartily concur in the proposal made by the noble Lord, and I beg leave to second the Resolution which he has moved.

Mr. BRISCOE remarked, that he hardly needed to say how cordially he agreed in all that had been said by the noble Lord and the right hon. Baronet; yet with great humility and every apology to the House he could not help making a suggestion, which he trusted would be favourably received. He wished to add a few words to the Resolution, and after the proposed pension of "£1000 per annum to Sir H. Havelock," to insert "and to the next successor to the title during his life."

Mr. CHAIRMAN informed the hon. Member that his Amendment was irregular.

Mr. BRISCOE said, that he did not intend to move a proposition, but merely to throw out a suggestion for the consideration of the Government. It might not be generally known that Sir Henry Havelock was between sixty and seventy years of age, and that he had a son who had received the Victoria Cross. Under these circumstances, and considering the danger to which General Havelock's life was still exposed, as well as the nature of the climate, it would be a source of consolation to the brave old soldier to know that at his decease there would be some provision for his son; without which, indeed, the title would be a very inadequate acknowledgment of services the value of which no language could exaggerate. Sir Henry Havelock might

almost be said to have preserved to this country the empire of India. It would not be becoming to make any remark on the amount of the pension, which was certainly not large, considering the manner in which it had been earned. But if so deserved a mark of favour were made to extend to General Havelock's next successor, the House and the country would hail its proposal with acclamation. When the annuity was voted to Lord Gough, the sum fixed on was £2000, which was also to be paid to the two next surviving male heirs of that nobleman.

ADMIRAL WALCOTT said, that as a member of the sister service he could not refrain from expressing their warm admiration of the brilliant achievements of these gallant officers in India. Indeed, he knew not which most to admire —the rapid marches and glorious victories of General Havelock; the magnanimous self-denial of General Outram, who scorned to deck his own brow with the laurels due to his comrade; or the siege, assault, and capture of Delhi, in all of which the same bravery—the same sublime heroism were displayed; nor would he omit from the bright catalogue the civil servants of the East India Company. The noble Lord at the head of the Government had described in terms so graceful, so spirited, and so appropriate, the services rendered by these brave men, that it would ill befit any other hon. Member to enlarge on this subject; but there was one topic on which the noble Lord had been silent that would awaken a generous response on the part of the House. No language that he could command could do justice to the heroism of those noble women who, triumphing over the natural weakness and timidity of their sex, stood unmoved amid threats that might well have moved the stoutest hearts, and with death staring them in the face feared it not until there was added to it the certainty of dishonour. With such terrors before their eyes they unhesitatingly sacrificed life, so dear to all, to escape what was far more repulsive, and, dying by their own hands, frustrated the savage—the demoniacal designs of the brutal miscreants who surrounded them. He had but one word more to add, in which he was sure that he would carry with him the feeling of his profession. He ardently wished that an opportunity might be given to the blue-jackets under the gallant Peel of emulating the deeds of their brethren of the red-jackets.

GENERAL CODRINGTON said, he should be sorry if in that House, although they were so unanimous, some military man did not rise before the Resolution was passed, and he had waited in the hope that some other member of his profession would express those feelings which he was sure would always be in perfect unison with the sentiments of the House on such a subject. Nothing that we had read of in any former days exceeded the gallantry, the determination, and the constancy under extreme difficulty which had characterised the marches, the endurance, and the actual fighting of the column under General Havelock; and the same must be said of the troops before Delhi, who had to resist perpetual attacks, not only under General Wilson, but also under the first commanding officer who took up a position before that stronghold, General Barnard. General Barnard had the greatest difficulties to encounter, and his great services ought not to be forgotten. He started in the midst of the revolt without preparation, and though many persons were against his moving his troops (as they had also been against General Anson's moving them) in the middle of the hot weather—which, as they all knew, tried the English constitution—yet he resolved to march on Delhi. When he arrived before that place, he found the enemy in possession of a most important position, and although heavy marching had wearied his troops, he attacked and carried that post, and it had been subsequently held by a small force against a powerful enemy until it was eventually made the means of securing the effectual capture of the rebel stronghold. General Barnard was attacked there no fewer than ten times in twenty days; and when that fact was borne in mind, together with the constant accessions of strength which the mutineers received in Delhi, it could not fail to establish the claim of that commander to the gratitude of his country, or to perpetuate the recollection of his name. It was owing to General Barnard's having maintained that position in the face of all these difficulties that General Wilson, when he succeeded to the command, was able to hold it. Indeed, so strongly did General Wilson feel the difficulties of his position, that

at one time it was positively a question with him whether, if he did not receive reinforcements, he ought not to retire to Kurnaul. For the final operations, which were crowned by the capture of Delhi, the credit was due to General Wilson; and nothing could be finer than the patience, the resolution, with which he waited for a sufficiency of troops and supplies, and the courage which marked the great achievement of the assault itself; while, on the other hand, nothing could be more painful than the loss of General Nicholson and his gallant comrades who fell in its accomplishment. To all these officers the House and the country owed a lasting debt of gratitude, as also to the officers who served under Sir Henry Havelock. General Neill having performed important services in the Crimea, where he held a high command in the Turkish Contingent, hurried out to India when the late war was over. The valuable assistance he rendered to General Havelock, to whom he marched with reinforcements, and then shared in the operations for the relief of Lucknow, could not be too highly praised; and his memory would be long cherished by a grateful country. It afforded him the sincerest pleasure to join in the Resolution by which the distinguished services of General Havelock and General Wilson were to receive their due reward, and it would add to the nominal title of a baronet, now conferred upon them, to feel, that in the one case "of Lucknow," and in the other "of Delhi," could be written after their names. He was quite sure there was no military or naval man who would not feel the deepest gratitude to the House for the unanimity with which this proposal had been received.

Mr. JAMES WHITE said, as the Committee had been addressed by hon. Members of the military and naval professions, he hoped that, as a merchant, he might be permitted to say a few words. He regarded the pension proposed as a very niggardly one, and quite unbecoming the dignity of that House, when they considered the weighty obligations under which this country was to General Havelock. If he was not misinformed, General Havelock was now some sixty-three or sixty-four years of age. His life was exposed to great danger from the climate alone, independently of the other perils by which it was constantly menaced. He would put it to any gentleman connected with an insurance office, what was the value of a pension of £1,000 a year under such circumstances. Was it worth two, three, or four years' purchase. He believed the highest estimate would be three years' purchase. The sum proposed was so utterly incommensurate with the services rendered by General Havelock, that the country must entertain a very mean opinion of that House when it found that to such a man so insufficient a reward was offered. At the same time he could not forget the fact that General Havelock had not the honour of belonging to any very noble family. He begged to say that those who had returned from a humiliating and degrading campaign in the Crimea had received higher honours than it was now proposed to bestow for glorious achievements which would adorn the annals of this country. These observations had been forced from him, and he would only say that he regarded the pension now proposed as very inadequate to the services performed.

Viscount PALMERSTON: I cannot allow the expressions which the hon. Gentleman has thought proper to use with reference to the Crimean campaign to pass unnoticed. The hon. Member must be in a state of entire ignorance as to what took place in that campaign. He must have forgotten the battles of Alma and of Inkermann—he must have forgotten those long months of privation, and danger, and difficulty, which nothing but the courage of Englishmen could have enabled an army to surmount—he must have forgotten that the army landed after having suffered most severely from cholera; he must have forgotten that, after having undergone privations for two or three months, not only destitute of those ordinary conveniences which are almost invariably seen in the tents of soldiers during a campaign, but the men without their kits, the officers without their baggage, the troops still performed their duty without flinching, and in a manner honourable to themselves and to their country. I think the hon. Member must have forgotten that the army, having commenced its career under such difficulties, closed that career in a manner which elicited the admiration of the officers of other Powers. He must have forgotten that the army—which had to encounter difficulties unexampled, I believe, in history—instead

of meriting the terms which the hon. Member, most improperly, I think, and so unlike an Englishman, has applied to it—having covered itself with honours, was, at the end of the war, in a state of perfect discipline, and performed services of which the country was justly proud.

Mr. JAMES WHITE said, he wished to explain. God forbid that he should utter a word against the gallantry and indomitable courage of the army which served in the Crimea. He quite concurred in all the noble Lord had said in its praise. He should be unworthy the name of an Englishman if he said anything disparaging of British troops. He had referred to the campaign in a strategic point of view. He did not pretend to be learned in such matters, but he had spoken on the authority of German and French writers, who had criticised the tactics of the campaign. In the one campaign there had been success; in the other failure.

Viscount PALMERSTON: I will take it, then, upon strategic grounds. The two armies in the Crimea—French and English—besieged a fortress behind which there was an army equal, if not superior, in numbers to the allied forces, amply furnished with all the *matériel* of war, with stores which had been accumulated during many years. The allies occupied a position of extreme difficulty, at a great distance from their own resources; they conquered; they took the fortress, which was considered impregnable; and instead of failing in a strategic point of view, they gained advantages which enabled the allied Powers to conclude a peace, by which Russia engaged in future not to keep any naval arsenal in the Black Sea, and instead of maintaining a fleet of eighteen or twenty sail of the line in that sea, bound herself to confine her naval force to ten small vessels for purposes of police and customs. I think my hon. Frieud—if he will allow me to call him so—on reflecting a little upon the results of that campaign, will see that not only as regards the bravery and endurance of our forces, but also as regards strategic results, the expressions which he used in a moment of warmth, and perhaps without much reflection, were unjustifiable.

Mr. CROSSLEY said, he thought, considering the services of General Havelock, that he ought either to receive higher honours and no money, or that if any pension was proposed it ought to be more proportionate to the eminent services which the gallant General had rendered to his country.

Resolution *agreed to:* to be reported *To morrow.*

House resumed.

MOTION FOR SUPPLY.

Committee on Motion, "That a Supply be granted to Her Majesty."

Queen's Speech *referred:*—Motion *considered.*

(In the Committee.)

Queen's Speech read.

The CHANCELLOR of the EXCHEQUER moved, "That a Supply be granted to Her Majesty."

In reply to a question from Sir D. Norreys,

The CHANCELLOR of the EXCHEQUER stated that it was not the intention of the Government to ask for any Votes in Committee of Supply before Christmas. The present Resolution related to a charge upon the Consolidated Fund, and was not in the nature of a Vote. He had considered the Report of the Committee of last Session with regard to proceedings in Committee of Supply, and he had prepared some Resolutions founded upon that Report, which he would submit to the House after the holidays.

Resolution *agreed to;* to be reported *To-morrow.*

BANK ISSUES INDEMNITY BILL.

COMMITTEE.

Bill *considered* in Committee:—

(In the Committee.)

Clause 1 *agreed to.*

Clause 2. (The restriction on the amount of securities to be taken in the Issue Department suspended.)

Mr. MALINS said, the effect of the Government letter was to authorise the Bank of England to exceed the limited issue of £14,500,000 upon securities, but that letter was unlimited in its terms. It had been stated by the Chancellor of the Exchequer that that letter had been acted on only to the extent of £2,000,000. The whole of that sum, however, had not been issued to the public; but according to the accounts of the Bank of England, published in last Friday's *Gazette*, the amount of notes in the banking department was £2,268,000,

and consequently, if the Government letter had not been issued, and things had gone on as before, the amount of reserved notes would have been reduced to £2,268,000. The object of the Bill was to give legal validity to that which had been done by the Government contrary to law, but most beneficially to the public. The second section would suspend the operation of the Act of 1844 until the expiration of twenty-eight days after the first meeting or sitting of Parliament in 1858, and then came a proviso which introduced a most prejudicial qualification, the removal of which was the object of the amendment he was about to propose. The proviso was to the effect that if before the expiration of the time mentioned the Bank of England reduced the minimum rate of interest below the rate of 10 per cent, the suspension of the Act of 1844 should cease. So that, although the Bank might have a sufficient reserve to justify them in reducing the rate of discount, the effect of that provision was to make it obligatory on the Bank of England to maintain the enormous rate of interest of 10 per cent, or to bring the operation of the present Bill, as far as the second section was concerned, to an end. The Chancellor of the Exchequer stated last night that this was the highest rate of interest ever known in the history of the Bank of England since its foundation in 1697. The highest rate previously known was 8 per cent. Now, was it consistent with the well-being of this great commercial country that the rate of interest should be fixed at 10 per cent? Could commerce exist or flourish under such a rate? What was the operation of this rate of interest? In the first place it created alarm, and the borrower was afraid to ask the lender for money because that rate of interest was understood, while it prevailed, to act as a prohibition to the loan of money. It operated not so much against the great trader, the holder of first-class paper, as against the bills of the smaller trader, which were not discounted for less than 15 or 20 per cent. How was the trading interest to exist under such circumstances? Mr. Chapman in his evidence said that no person could trade anew on 10 per cent—that was, no person could enter into new transactions. Did the Governmen, then, mean to proclaim that all new transactions in this country should be stopped for the next two or three months? He had not as yet heard any reason given which could justify the raising of the rate of discount from 6 per cent in July to 10 per cent, as it stood now. The excuse assigned was that the gold was to be prevented going out of the country, and the exchanges were to be turned in our favour. But did this compensate for the ruinous depreciation in the value of our manufactures, which had taken place? He was assured, for instance, that silk within the last month or two had been diminished in value 40 per cent. In the iron districts of Wales, likewise, iron rails, which were before worth £8 per ton, were now attainable at £5 per ton. When it was considered how many thousands of men were engaged in the manufacture of these rails, it was no light matter to have the price reduced so that it would no longer answer the master's while to employ men to make them. It was supposed that if there were not this high rate of discount the result would be the withdrawal of the gold from the Bank of England. By the accounts in the *Gazette* of last Friday it appeared that the bullion in the Bank up to last Wednesday night was not less than £7,356,467, and that the amount of notes in the hands of the public was £21,102,430. Now, the gold was in the issue department, with the exception of a small quantity, some £300,000 or £400,000 in the banking department, and that gold, amounting to £7,000,000 in round numbers, was positively locked up, and could not be released except by the return of some portion of the notes representing those £21,000,000. Therefore it was only by the diminution of the notes that the gold could be taken away, and was it within the range of possibility that the whole £7,000,000 of notes would be returned to the Bank? From the return annexed to the Report made by the Bank Committee of last Session, it appeared that for the last eight years the notes in the hands of the public had not gone so low as £18,000,000. On the 22nd December, 1849, the amount was £17,803,000, but in the week following it had risen to £18,227,000, and since that the minimum had been £18,000,000, and that being the case, he asked on what principle could it be said to be, he would not say probable, but possible that the notes in the hands of the public should now be reduced below £18,000,000? It was impossible that the notes held by

the public could be reduced so low as £18,000,000, and as the amount of gold held by the Bank could be reduced only by a contraction of the circulation, the only reason given by the Government for maintaining so high a rate of interest as 10 per cent—namely, that it was necessary to preserve the gold in the coffers of the Bank—fell entirely to the ground. Then the notion was, that it was necessary to maintain the convertibility of our notes. The Bank at this moment had only £7,000,000 in gold in their coffers. Of the twenty-one millions of notes which were out, there were fourteen millions and a half nominally convertible but in reality inconvertible. By law they were issued on the foundation of securities, and, in fact, there was not gold in the Bank to meet them were they produced. The experience, however, of the ten years before the passing of Sir Robert Peel's Act showed that the minimum average of notes in possession of the public was £16,000,000, and since then it had never been less than £18,000,000. They had thus gone on for twenty years with the notes never below £16,000,000, and why then should they abstract from the public a rate of interest so prejudicial to all the great interests of the country? Mr. Chapman had stated, and the right hon. Gentleman himself had admitted last night, that it was a great national evil, when the rate of interest was so high as 10 per cent, or even 7 per cent; for when the Bank rate of interest was even 7 per cent, the interest actually paid by the shopkeeper and the farmer was always from 3 to 5 per cent more. What then was the effect of the present state of things upon trade? They might read it in the daily papers and in the trade reports every Monday morning; from which it appeared that there was hardly a mill in Manchester at the present moment that was working full time. He did not deny that the monetary collapse in America might have had some share in bringing about our own troubles, but that share was a trifle compared with the effects produced by a feeling being universal, that every prudent man ought to suspend his operations and not enter into any new engagements so long as the rate of interest remained so high. It had been said the other night that the profits of trade would never pay a rate of interest as high as 10 per cent—why then maintain that rate at such a point? The Chancellor of the Exchequer had stated that he was only following the precedent of 1847; but what was that precedent? The rate of interest in 1847 was 5½ per cent, and the Government authorised the Bank to infringe the law provided that they charged 8 per cent. The public would never have tolerated discounts at that price but for the relaxation of the law; but the operation of the Act had been gradually to familiarise them with 7 and even 8 per cent; although it had not enabled them to bear a high rate one whit the better. Take the case of mortgages. The land, they knew, only yielded 3 per cent, and how could they pay 10? If that rate were kept, the land must, in the course of a few years, change its proprietors. Take, again, railway property. It appeared that there were debentures secured upon railways amounting to £160,000,000, a large portion of which required to be renewed every month. Those railways could either not get their debentures renewed, or they must submit to ruinous terms. The evil effects of the present state of things upon the agricultural, the railway, the shipping, and the commercial community could hardly, therefore, be exaggerated; and in the meantime there was not the slightest necessity for it; the convertibility of the note not being in the slightest degree endangered. Twice, however, the Bank had been in danger of stoppage for want of notes, and because they had locked up so large an amount of gold in the issue department. He contended that they had exposed the interests of the community to the greatest possible danger, for no other reason whatever than the fancy of the late Sir Robert Peel for dividing the Bank of England into two departments. The only justification offered for maintaining a high rate of interest had failed them, and he trusted the Committee would agree with him—inasmuch as the House and the Government had expressed such unbounded confidence in the Bank of England, and concurred in praising the prudence, foresight, and judgment with which they had conducted the finances of the country—that the arbitrary restrictions imposed upon them by the proviso in the Bill should be expunged, and that, instead thereof, the Bank Directors should have a discretion vested in them.

Amendment proposed, to leave out from the words "Provided always" to the end of the clause.

SIR JOHN TRELAWNY said, that, as he understood the hon. and learned Member, he wished that the Bank should discount in such a manner as should be advantageous to the interests of merchants, railway directors, and others engaged in trade, and that if the funds of the Bank fell short and it sustained any loss, the British public should make up the difference. He could not imagine that the hon. and learned Gentleman seriously expected the Government to support such a view. As one very much interested in the state of our finances and very anxious to keep down the Estimates, he could not assent to such a proposal. In 1844, being but imperfectly informed upon this subject, he read with much admiration the articles published by the hon. Member for Devonport (Mr. Wilson) in the *Economist*, which he then thought conclusively proved that as long as convertibility existed no notes which were needed could remain out in the market. It now appeared to him that some hon. Members wished to argue that what was true of a convertible was also true of an inconvertible currency. He himself was in favour of a convertible currency, and thought that the best course to pursue would be to leave gold as free as corn. In these matters we seemed to be performing the evolutions of a political quadrille. At one time we had a most ingenious sliding scale to keep corn in the country, and now we seemed to be adopting a similar machinery to preserve ourselves from a dearth of gold. If there was to be a Committee on banking, it was desirable that there should be upon it some person who on these subjects was a pure sceptic, who was not convinced, who was not pretentious, and who did not profess to be informed. That was his case. He professed to be ignorant and wished to be informed. The onus of convincing him lay upon the Government. At present he believed that they had no diagnosis—they were quite at sea. It had been well said that "fools rush in where angels fear to tread," and he was afraid that they had given an example of that, not only on questions of currency, but with regard to all matters of social and political economy. As, however, the Act of 1844 had broken down in the only instances in which it had been tried, he for one was not prepared to endorse it.

THE CHANCELLOR OF THE EXCHEQUER: I must be excused for not subscribing to all the doctrines contained in the speech of the hon. Baronet, but so far I agree with him that it would not be advisable for the Committee to expunge the proviso to which the hon. and learned Gentleman opposite (Mr. Malins) objects, and I hope in a very few words to be able to satisfy the Committee that no sufficient reason exists for altering the Bill as it is now printed. The ground upon which that proviso was introduced was this:—When the letter of 1847 was addressed to the Bank the Government inserted, and in my opinion judiciously inserted, the condition that so long as the Bank continued to exercise the extraordinary powers conferred upon it the rate of discount should not be below 8 per cent. The rate of interest then prevailing was, according to my impression, 6 per cent, but according to the statement of the hon. and learned Member for Wallingford 5½ per cent, and the Government required that it should be raised to 8 per cent. At that rate it continued for about three weeks. All that the Government did when they issued their letter in the present year was to say—

"In order to prevent this temporary relaxation of the law being extended beyond the actual necessities of the occasion, Her Majesty's Government are of opinion that the Bank terms of discount should not be reduced below their present rate."

It was with that understanding that the licence was granted to the Bank. In drawing the bill we thought that it was our duty to preserve the condition upon which the Bank was allowed to issue the £2,000,000 of notes, and that no reason could exist for our taking some arbitrary rate of 6 or 8 per cent, or any other below the rate of 10 per cent, which was spontaneously fixed by the Bank as determined by the then rate of discount in the market, and without any reference to the Government letter. That is the point to which I desire to call the attention of the Committee—that the rate of 10 per cent was not arbitrarily fixed by the Government. It was merely assumed as being the existing rate of discount at the Bank. The hon. and learned Gentleman seems to think that we are fixing this rate for some considerable time, whereas we only propose to establish it

for the period during which the infraction of the law shall continue. The moment the Bank of England find their affairs so far re-established as to consider it unnecessary to overstep the law they will be able to fix the rate of discount at whatever point they think convenient; but so long as the breach of the law is continued it does seem desirable that they should not reduce that rate below the point which it had reached before the suspension of the Act. I understand that the reserve of the Bank is gradually increasing, and it is no very sanguine expectation to hope that before very long they may have so re-established themselves as to render further transgression of the law unnecessary. On Saturday night last the reserve in the banking department, including gold and silver, amounted to £3,200,000; on Monday night it was about £3,590,000. Therefore they had then a reserve of about £1,500,000 beyond the excess of notes issued under the authority of the Government letter. It is to be hoped that this state of things will be progressive, and that ere long the state of the reserve will enable the Bank to reduce the rate of interest. But it is a fallacy to suppose that the Bank regulates the universal rate of interest. If the condition of things be such that it is profitable to money lenders to lend at less than 10 per cent, they will no doubt lower their rate of interest without asking the permission of the Bank. The very circumstance that the prevailing rate of interest is 10 per cent is a sufficient proof that the rate fixed by the Bank is not an arbitrary one, but that they are following the common rate of the market. The hon. and learned Gentleman says we shall injure the landed and railway interests of the country by fixing this rate of interest; but let me remind him that the mercantile rate of interest is not one that necessarily fixes all the other rates of interest in the kingdom. Can we have a better proof of this than the present price of Consols? If any one invests at present in Consols he cannot expect to realize anything like 10 per cent for his money, and I might refer to the practice of money-lenders on mortgages to prove that the rate of interest on real security is independent of the Bank rate, and not in any way affected by it. The hon. and learned Gentleman wishes us to believe that the whole trade of the country is dependent on this clause, but I trust that after the explanation I have given the Committee will not agree to the proposal which he has made.

MR. SPOONER said, that, notwithstanding what had fallen from the right hon. Gentleman, he still thought that the discounts charged by the Bank of England regulated the rate of private bankers. He would put a case which he thought was likely to arise. They all knew that the rate of discount was raised to prevent gold going out of the country. That had been accomplished, but in the operation they broke up the general confidence of the country; and in order to restore that general confidence and to revive trade it might be necessary to continue in circulation an amount of notes larger than the Bank limit permitted, because, when there was a want of confidence, the same amount of notes did not perform the same duty that a much smaller amount did in a time of confidence. If it turned out that the demand for commerce required the continuation of a larger amount of notes than the limit permitted, it might safely be granted, so far as the exchanges went, because they were turned. But if that happened, what would be the result? The Bank would say this:—"We must keep up the rate of 10 per cent, however injurious to the public, or unnecessary it may be as far as the trade in gold is concerned, because, if we do not, the privilege of continuing that increased quantity of notes in circulation which is necessary for the restoration of confidence will be taken out of our hands." If the Bank found no danger in the export of gold, but that public confidence required a large issue of notes to remain out some time longer, the matter might be left in their hands. He objected to any arbitrary rule being laid down in this House with regard to the rate of discount which the Bank ought to charge, or the amount of notes they ought to have in their possession; and he believed that the more the matter was left to their discretion the sounder would be their practice, and the better would it be for the country at large. If his hon. and learned Friend divided the Committee, he should give him his support.

MR. GREER said, that, notwithstanding the statement of the right hon. Gentleman the Chancellor of the Exchequer, he also was of opinion that with an increasing reserve at the Bank amounting now, as he understood it, to a million

and a half and upwards, beyond the £2,000,000 in excess of their legitimate issue, the question of interest might be safely left to the discretion of the Directors; and he was perfectly willing to trust to their discretion and prudence that they would not make an injudicious reduction. Indeed it was not to be supposed that they would be over-hasty in making any reduction, for they had a pecuniary interest in keeping up the rate. He thought the country had been to a very unnecessary extent put under contribution to the banks and money-lenders, and the result was, as stated by the hon. Member for Glasgow, that trade was now staggering under an incubus of 10 per cent discounts. He thought, therefore, that the sooner this state of affairs was brought to an end the better. The Chancellor of the Exchequer seemed to think that because the Government of 1847, when authorizing a similar violation of the law, had stipulated for an advance of the rate of interest to 8 per cent, being, as he alleges, 2 per cent beyond the existing rate, the present Government was acting very graciously in permitting the Bank to retain their existing rate in 1857 on obtaining an indemnity for breaking the law. But it appeared to him that, supposing the Bank had acted with the same degree of prudence on both occasions the Government had only proved that they were too late in interfering when they did so in November last, the rate of interest having then risen to the unprecedented height of 10 per cent, and that they would have been justified, if not bound, by the precedent of 1847, in applying the relaxing principle when the rate of interest had been raised to 8 per cent. Besides, it must be recollected that at present 10 per cent was only the minimum rate of interest, and he was informed that the maximum rate was 12, 15, and even 20 per cent, a state of things that operated most injuriously upon all the mercantile transactions of the country. There might, no doubt, be an exception, as had been stated, in the case of loans upon real estate, which were of a permanent character, or investments in the funds; but there could be no doubt that the transactions affected by the present exorbitant rate of interest were immense, and made a difference of millions to the country. He, therefore, entreated the Government to consider whether it was absolutely necessary that 10 per cent should be fixed as the minimum rate. Let it be reducible to 8 per cent without the Bank forfeiting the right of falling back upon the £2,000,000 which they had issued in excess in case of a recurrence of the panic. He thought the hon. and learned Member for Wallingford (Mr. Malins) would not object to that proposal, and if he adopted it in his Amendment he (Mr. Greer) would give him his support.

Mr. CAYLEY said, one reason why the relief experienced in 1847 was not felt now was, that the commercial public had been so alarmed at the high rate of interest that they did not know yet what might follow, and therefore the Government, by delaying the adoption of measures of relaxation, had protracted the pressure to which the country was subjected. It was to be supposed that, in consequence of the reduction in the number and amount of commercial transactions consequent upon the present crisis, a much less amount of currency than usual was required to conduct them. He believed, for instance, that not more than £19,000,000 of currency was now required. If confidence were restored, it was most likely that the immediate effect would be to withdraw some £2,000,000 from the hoards where it was now deposited. Nor did he know that there was any measure more likely to have this effect of restoring confidence —withdrawing, say, £2,000,000 from the hoards where it was deposited, and increasing the reserve of the Bank of England to the same amount—than a reduction of the rate of discount by 2 per cent. Under these circumstances, he thought it would be wise to leave a little more discretion to the Bank than was done by the present Bill.

Sir CHARLES WOOD observed, that he did not rise to address the Committee upon the general question, but only to set the hon. and learned Member right on a matter of fact. The hon. and learned Gentleman (Mr. Malins) had stated that in 1847 the rate of discount was 5½ per cent, and that it was afterwards raised to 8 per cent. The fact was, that the minimum rate of discount was 5½ per cent, which was not charged upon any considerable portion of the paper that the Bank discounted. The average rate of discount in 1847 was 7½ per cent, so that the real amount of the rise in the rate of discount was not much more than

a half per cent. [Mr. Malins: I spoke of the minimum.] The minimum rate was 5½ per cent upon bills having only a short time to run, but the average rate was 7½ per cent, and the rise was only a half per cent on the average rate.

Mr. MALINS said, he had distinctly stated that the minimum rate of interest of the Bank of England in 1847 was 5½ per cent. If that were the minimum rate of interest in 1847, and 7½ per cent was the ordinary charge, now that the interest was at 10 per cent the ordinary charge would probably be 12 per cent. He did not require to be told by the Chancellor of the Exchequer that the present rate of interest did not affect all the ordinary relations of life, and did not proportionally increase the interest upon mortgages; but if a small freeholder went to the country bank with his deeds under his arm for a loan of money he would not get it at present for less than 10 per cent. He would challenge the First Lord of the Admiralty to show that there was any danger of gold being taken out of the country if the present enormous rate of interest were reduced. He had been appealed to not to divide the Committee, but he had so strong a sense of the evils from which the commerce of the country was at present suffering that if he could find any hon. Member who would go out with him as a teller he would go to a division.

Question put,

"That the words 'Provided always, that, if before the expiration of the time' stand part of the Clause."

The Committee *divided*:—Ayes 18; Noes 100: Majority 82.

Bill *reported* without Amendment; to be read 3° *To-morrow*.

Adjourned at Ten o'clock.

HOUSE OF LORDS,

Wednesday, December 9, 1857.

Minutes.] 1ª Bank Issues Indemnity.

BANK ISSUES INDEMNITY BILL.

FIRST READING.

Brought from the Commons.

Earl GRANVILLE moved, that the Bill be now read a first time.

Earl GREY said, he had understood that the Bill was to be read a second time to-morrow (Thursday), and a third time on Friday. He had no objection to that arrangement—on the contrary, he thought it would be a convenient one; but, as he presumed that a measure of this importance would probably undergo at least one discussion, he should be obliged to his noble Friend (Earl Granville) if he would tell him on which day he proposed to take the discussion. Perhaps, as the notice was rather short, he might be permitted to suggest that if it were equally convenient to the Government the discussion should be taken on Friday rather than Thursday.

Earl GRANVILLE said, he could not give any pledge on the subject to his noble Friend, because, although it would be quite as convenient to the Government to take the discussion on Friday as on Thursday, it might not be equally convenient to other noble Lords who had been led to expect that the discussion would take place on Thursday.

The Earl of EGLINTON said, so far as he was individually concerned, without presuming to speak for other noble Lords not at that moment present who sat on the same side of the House as himself, he should prefer to have the discussion taken on Friday rather than on Thursday.

Earl GRANVILLE: Then let it be understood that, unless it be objected to by other noble Lords, the discussion will take place on Friday.

Bill read 1ª; and to be read 2ª *To-morrow*.

House adjourned at a quarter past Three o'clock, until to-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Wednesday, December 9, 1857.

Minutes.] 1° Sir Henry Havelock's Annuity.
3° Bank Issues Indemnity.

PENSION TO SIR HENRY HAVELOCK.

THE QUEEN'S MESSAGE—REPORT.

Mr. FITZROY having brought up the Report agreed to by a Committee

of the whole House on the previous evening,

COLONEL NORTH: Sir, I was unwilling last night to take up the time of the House by making any observations in reference to the suggestion of the hon. Member for Surrey (Mr. Briscoe), that the pension to General Havelock should extend to his successor, for I felt that the matter to which he directed the attention of the Government could not be in better hands than those of the noble Lord at the head of the Government, who I felt confident would give every attention to the hon. Member's suggestion. However, had I been aware last night of some of the circumstances attending Captain Havelock, the son of the distinguished officer whose services we propose to reward, I certainly should have felt bound to have risen to support the hon. Member in his appeal to the First Lord of the Treasury. It very seldom happens that the heir of a man who has so distinguished himself in the service of his country as General Havelock has done has had the opportunity of supporting his father in those deeds of valour which have obtained for the General not only the approbation of his Sovereign, but the admiration of the whole world. It was not until this morning I learned that Captain Havelock had participated in all those battles which had secured for his illustrious father undying fame; but I now understand that this young officer has also received the Victoria Cross. I am sure, under these circumstances, even a departure from the usual rule would be warranted in this case. But it appears that in the case of peerages conferred for services in the field the pensions generally extend for two generations. This being so, I do hope that Captain Havelock will be considered by the Government, and secured the same pension which has been provided for his most distinguished and gallant father. This would not be too much for the country to do, considering that the position of Sir Henry Havelock is such that the telegram expected this very day may announce to us that the gallant General has fallen in the service of his country, and that the baronetcy has descended to his son; and I think we must all of us be anxious to place the son in a condition to support a dignity so inherited. I make these observations feeling sure that from no one will this suggestion meet a more ready attention than from the noble Lord at the head of the Government.

MR. BAGWELL begged, on the part of the Irish representatives and the Irish people, to express the very high sense which they entertained of the gallant conduct and glorious deeds of our soldiers in India. He took the liberty of doing so, though a new Member, in the absence of many of the Irish representatives, because he believed that all classes of people in Ireland and of their representatives in that House joined in doing honour to those brave and heroic men, and most cordially concurred with the Government in the reward which they proposed to confer upon General Havelock. His only regret was, that the pension granted to that distinguished soldier was so small, and that it was to last for so short a period, and he hoped that at some future time the Government would see the propriety of extending it beyond the life of its present gallant recipient. He hoped, however, that the gallant General would long live to serve his country and enjoy his pension; and that was the prayer of every Irishman and of every Irish Member of the House.

MR. KINNAIRD said, it was perfectly unnecessary for him to say one word in praise of Sir Henry Havelock, who was about to receive the tribute of respect from a grateful country, which, indeed, the House could only regret was so inadequate to his merits; but he must say a few words in reference to another name borne by two of the most distinguished men, he would venture to say, of any age or country—men who had saved us, under God, he believed, from disasters far greater than those we now mourn over. The House must be aware that he referred to Sir Henry and Sir John Lawrence. The former had gone where no earthly honours are of avail, and he could no longer serve his country by his able statesmanship and his unrivalled tact and courage; and he trusted that to him his country would raise a fitting monument. But as far as they knew Sir John Lawrence still lived, and he confessed he should like to see him honoured as he deserved. Who saved the Punjab; nay, our Indian Empire? Who was the main instrument of re-establishing our power at Delhi? Who raised the soldiers which had enabled that vic-

torious column under Greathed to restore order where anarchy had reigned on her march south? Sir John Lawrence. He trusted the House would remember this fact, that not a soldier from Calcutta or Bombay had reached Delhi. Had we not had Sir John Lawrence in the Punjab, or one like him, he believed our forces would have been entirely driven out of the North-Western Provinces, accompanied by a terrible loss of life, even if we had retained our hold on Bengal. Difference of opinion had existed, and would exist, as to the wisdom of the measures taken in Calcutta; but there could be no room for difference here. He hoped to see the day when Sir John Lawrence should be in a position more commensurate with his experience and his administrative abilities.

Mr. GLADSTONE: I wish to say a word or two on this subject. I speak with unfeigned hesitation. I am sure that the sentiments of sympathy and admiration which my hon. Friend has just expressed are common to the whole of this country; but at the same time I would with all respect and deference venture to suggest to him the expediency of our endeavouring to put some restraint on our feelings in this matter. Surely, nothing can be more important than that it should be left to the Crown and the Executive Government to administer the function of reward without being subjected to the constant anticipation of the Members of this House. I entreat Gentlemen to recollect how much is taken from the grace and value of these acts of reward when bestowed by the Crown if they have been suggested by individual Members of this House. Of course I fully admit that it is the duty of this House to watch the conduct of the Executive Government, and to call it to account if any slackness is exhibited in the due reward of merit; but here is a case where I humbly think we are not as yet entitled to say there has been any such slackness. Let us consider the importance of time in these matters, let us consider that we are dealing with transactions still in progress, that the service of Sir John Lawrence and those other heroes to whom we owe so much is an unbroken and as yet uncompleted service, and that the proportion of reward must depend in no inconsiderable degree on the precise time at which it is administered and the ripeness to which events have attained. How is it possible that we who draw our information with regard to these occurrences from the public journals, and who form impressions that are necessarily general, can take into our hands the duty of pointing out to the Executive Government what is the precise moment at which rewards shall be given? I venture to say—without in the slightest degree denying the title and privilege of Members of this House to correct what is wrong, or what they think wrong, in the conduct of the Executive Government — that it is greatly to the advantage of society and greatly for the honour of the Crown that they should leave the Crown some latitude and discretion as to the time, and the opportunity, and the way in which such rewards should be bestowed; because, if it becomes the habit to take into our hands the business of pointing out beforehand the disposal of individual and particular rewards, the ultimate effect will be that the distribution of rewards, which, given wisely, are intended to be a means of strengthening the Executive Government, will, on the contrary, become a source of weakness. I hope I shall not be understood as in the slightest degree censuring those honourable feelings with which Gentlemen have been actuated in bringing these matters before the Government, but I have thought it my duty to point out the important considerations of policy which I think are involved in the question.

Colonel NORTH said, he had not the slightest idea of dictating to the Government. He had merely given his support to a suggestion which had been brought under the notice of the House on the previous evening.

Mr. E. BALL said, he thought it was the duty of the House to supply any omission made by the Government in the bestowal of rewards. The services of a great General had been brought under their notice, and they were asked to co-operate with the Government in honouring and remunerating him for those services. It was suggested that the pension bestowed on that distinguished General should descend to his son. That was a very simple suggestion, and he thought the hon. and gallant Colonel, as being a member of the same profession as General Havelock, was a very proper person to make it. Therefore he did not see the propriety

of the right hon. Gentleman the Member for the University of Oxford finding fault with such a proposal, and endeavouring to divert the attention of the House from the claims of the gallant young officer whose services had been brought before them.

SIR WALTER FARQUHAR could not but express his deep and intense admiration of everything that had been done by the gallant General Havelock and the troops he had the honour to command. He entered deeply into every word that had been expressed with reference to the heroism of those men and the privations they had undergone, and having himself a son at Lucknow the House would understand the feelings with which he was animated. Concurring in all that had fallen last night from the noble Lord at the head of the Government, he must at the same time agree in every word that had come from the hon. and gallant Member for Oxfordshire (Colonel North). He hoped that as the distinction conferred upon the father was conferred also upon the son, the pension would in this case be permitted to descend with the title.

SIR JOHN PAKINGTON: I waited to address a few observations to the House till the right hon. Gentleman the President of the Board of Control had entered the House, and he will excuse me when I say we have reason to complain that when such a subject as that of the reward to be conferred on General Havelock stood as the first Order of the Day, the right hon. Gentleman was not in his place to answer any questions which it was so probable might on such an occasion be addressed to him. I believe, now that this question is before the House, the present is a legitimate time for me to put two questions to the right hon. Gentleman with regard to the affairs of India, on which I am anxious to receive some information from Her Majesty's Government. Before, however, I put these questions, I cannot refrain from taking some notice of what has fallen from my right hon. Friend the Member for the University of Oxford. Although I admit what he has said has very considerable weight in reference to any honour and reward which may be proposed in future for that distinguished man, Sir John Lawrence, or any man that deserves to be rewarded by the Crown—for I quite agree with my right hon. Friend that the premature interference of this House on such occasions might have the effect of diminishing the grace of those favours when distributed—I at the same time think that the question before us, the bestowal of a pension on Sir Henry Havelock, is not one to which the remarks of my right hon. Friend will apply. I therefore hope that those observations, correct as they were as applied generally, will have no tendency to check, on the part of Members of this House, those expressions of feeling, which, in my opinion, do honour to the House, in regard of those great services which have been performed by our army in India. I believe in the truth of an observation made the other evening by my right hon. Friend the Member for Buckinghamshire—that no reward these men can receive will be so appreciated as the assurance that their services are estimated by their countrymen; and the most legitimate mode in which they can receive that assurance is by the expression of the feeling of the constituencies through their representatives in Parliament. I am sure, Sir, that the Resolution of last night and the discussion to which it gave rise will be received in India with gratitude and pride, and that our brave soldiers will esteem our proceedings here as the greatest honour which can be conferred on them. I must confess that when I seconded the Motion of the noble Lord at the head of the Government last night I felt that the only doubt which could exist was as to whether the reward proposed was adequate to the services of General Havelock; and that being my feeling I quite agree with what has fallen from my hon. and gallant Friend near me (Colonel North), that considering the very distinguished gallantry displayed by Captain Havelock—considering the advanced age of General Havelock — and considering the fact, which it is no harm to mention in this House, because it is one generally known, that General Havelock is not a man of large private property—as Her Majesty has been pleased to bestow an hereditary title on this illustrious General, it would be only meeting the wishes of Parliament if the Government allow the pension about to be granted to him to descend to his son, Captain Havelock. I only hope that after what has passed in this House Her Majesty's Government will take that matter into consider-

ation. Now with respect to the inquiries which I have to make, and which have reference to very different matters. The first to which I shall refer, is one of which I gave notice on a former occasion, and relates to what is called the "Clive Fund." If the right hon. Gentleman the President of the Board of Control wishes to make inquiry on the subject, I shall defer my inquiry to another day. It is probably within his knowledge that in 1765 Lord Clive, on receiving a legacy of £70,000, bequeathed to him by Meer Jaffier, generously paid that large sum into the treasury—

Sir H. WILLOUGHBY: I rise to order. Is it competent to the right hon. Baronet, on a question concerning the pension to be granted to General Havelock, to introduce different matter—to ask questions so totally at variance with that which is now occupying the attention of the House?

Mr. SPEAKER: If I understand the right hon. Baronet correctly that he proposes now to ask questions on matters not immediately relevant to the subject under discussion, and especially questions of which he has already given notice of his intention to put on a particular occasion, I cannot hesitate to say that it would not be in accordance with the rules of the House to take such a course.

Sir JOHN PAKINGTON: I shall of course bow at once when I understand your decision, Sir; but at present I do not quite see the position in which I stand. I did on a former evening express my intention to put a question to the right hon. Gentleman, and notice of that question was given for last night. However, I did not put the question last night, and there is now no notice on the paper of that question; and therefore I apprehend I am not out of order in putting it now. As I understand our rules, when any question in the nature of Supply is before the House, it is a most legitimate and proper opportunity to raise any question which may require explanation. My first question has reference to the Clive Fund, and my other to what I consider to have been a most improper exercise of patronage by the Board of Control and the East India Directors—

Mr. SPEAKER: The right hon. Baronet is quite correct, that when a Motion is made for the House to go into a Committee of Supply general observations may be made and questions asked; but we are engaged now on a particular Vote, and the Motion to go into a Committee of Supply stands next in order. With regard to the questions of the right hon. Baronet, I think that, according to the strict rules of the House, on a subject such as this—a distinct Vote for General Havelock—to introduce irrelevant questions—questions not confined to the subject before us—would not be in accordance with the general course of our proceedings.

Sir JOHN PAKINGTON: I bow to your opinion, Sir; and will give notice of my questions for another night.

Mr. VERNON SMITH: The right hon Gentleman (Sir John Pakington) began by reading me a lecture—which is rather a habit of his—for not being present when the question of General Havelock's pension came before the House. I certainly did think there was no possible chance of any attack being made on the office I have the honour to represent, seeing that the proposal of the Government met with the unanimous assent of the House last night. It appears to me that the right hon. Gentleman is wroth with me for not being here when he wanted to put two of the most irregular questions ever put in this House. I had no obligation to be here, seeing that no notice was given me that such questions were to be put; but I am ready notwithstanding to state the reasons why I was not here. I was not here, because we had just received a telegram from India which I shall read to the House, and which I have no doubt the House and the country will feel to be of more importance than the questions of the right hon. Baronet. I will only say that in the manner in which he dealt with the question the right hon. Gentleman left it most unfairly. He knew that the answer to the question about the Clive Fund would involve a great array of figures and require very close inquiry. As regards the other question, which involves a charge against me of a most improper exercise of patronage, I never heard a man make such a statement as that without being ready to stand up and substantiate it on the spot. I shall now read the telegram which——

MR. SPEAKER: When any hon. Member wishes to make an explanation on any personal matter, the House generally allows him to do so; but the right hon. Baronet the Member for Droitwich having refrained from putting his questions, and having given notice of his intention to put them on a future occasion, I would suggest to the right hon. Gentleman the President of the Board of Control that it would be more convenient for him to reserve his answers till the questions are put.

MR. VERNON SMITH said, he had no intention whatever of prolonging the discussion on the subject of the questions of the right hon. Gentleman the Member for Droitwich; but was about to read the telegrams just received [which the right hon. Gentleman then did].

SIR HENRY WILLOUGHBY assured the right hon. Baronet (Sir John Pakington) that, in raising the point of order, he had no intention of offering him any interruption in the expression of his opinion. He was actuated only by the belief that the observations of the right hon. Gentleman could be made more conveniently at another time. He had not understood the right hon. Gentleman the Member for the University of Oxford as wishing to prevent the Members of that House from expressing their opinion as to the merits of distinguished officers; but what he did understand him as saying was, that by putting forward for rewards particular names—and no doubt each Member in that House could select a dozen—they would infringe upon one of the first principles of the constitution, which made the Crown the fountain of honour. With regard to the present Vote, he himself had been anxious to call the attention of the Government to the propriety of making some moderate provision for Lady Barnard, the widow of General Barnard; but feeling that the question was one which should rather originate with Her Majesty's advisers, he refrained from doing so, and would content himself with saying that he cordially concurred in the Report before the House.

Resolution *agreed to.*

Bill *ordered* to be brought in by Mr. FITZROY, the CHANCELLOR OF THE EXCHEQUER, and Viscount PALMERSTON.

SUPPLY—THE CLIVE FUND—ARMY PATRONAGE (INDIA).

QUESTIONS.

MR. FITZROY reported a Resolution from the Committee to whom it was referred to consider the Motion, that a Supply be granted to Her Majesty; which was read as followeth; That a Supply be granted to Her Majesty.

SIR J. PAKINGTON: Sir, I trust that I am now in order, and may address to the right hon. Gentleman the President of the Board of Control the question to which I have already referred. I am extremely sorry at having made the right hon. Gentleman so angry as he appeared to be just now; but when he accused me, as he did, of being in the habit of lecturing the Members of this House, he will allow me to say that I do not think I have ever lectured anybody since I have had the honour of a seat in this House as he did me in the course of the last few minutes. What was the gravamen of his charge? He said that I had complained of what I thought an improper exercise of patronage on the part of the Board of Control and the Directors of the East India Company, and then that I had refrained from doing that which I ought to have done—namely, risen in my place and substantiated the charge on the spot. Well, the only reason that I did not do so was that you, Sir, had decided that I was not in order. The right hon. Gentleman will see, however, that I am now putting my question at as early an opportunity as circumstances will allow. My first question relates to the Clive Fund. On Monday evening he was sitting opposite to me, when, in order that he might be aware of my intention, I read in his presence the terms of the question I intended to put to him; but if, notwithstanding that public notice, the right hon. Gentleman wishes for further time to answer the question—for I do not put it with the view of giving pain to him or to anybody else—I put it merely to elicit information, which seems to me of peculiar interest at this moment, and especially in connection with that fund which is being raised all over the country with so much generosity and alacrity for the relief of the sufferers by the rebellion in India—I shall be happy to postpone it to another occasion. Now, in 1765 the great Lord

Clive generously devoted a legacy of £70,000, which he received from Meer Jaffier, to what I call a most charitable object. He paid that sum into the treasury of the East India Company at Calcutta, and devoted the interest of it to the relief and support of decayed or disabled European officers and soldiers serving in India, and to the relief and support of the widows and orphans of European officers and soldiers who might die in the service in India. Now, the question I wish to put to the right hon. Gentleman is, whether he can inform the House what is the present state and condition of that fund? It is now nearly a century since that sum of money was devoted by Lord Clive to this noble purpose. I do not know what may have been done with the interest of this fund, but I think it would be satisfactory to the country at this moment, when efforts are being made to alleviate the distress consequent upon the Indian mutinies, if the right hon. Gentleman could state what is the present condition of the fund; whether the interest has accumulated; whether the fund is still devoted to its original object; and whether—and this is the important part of the question—it holds out any means of affording additional supplies from which the sufferings of European soldiers and their families in India may be relieved? The other question which I desire to put to the right hon. Gentleman I also beg to assure him I put in the most perfect frankness and fairness, and with the sole object of eliciting information. I may be wrongly informed, or I may put a wrong construction upon the facts to which I am about to advert; but I do not shrink from saying, that if I am correct in regard to the facts, I do think they amount to an improper and unwise exercise of Indian patronage at this particular moment. What I refer to is a statement which I have seen in the public newspapers, with regard to what is called the arrangement of patronage for the year 1858. I find it there asserted that 110 infantry cadets are to be sent out to Bengal for the year 1858. Mention is also made of a considerable number of cavalry cadets; I forget how many. But the point I wish to call the attention of the House and the Government to is this exercise of patronage, and the sending out of 110 infantry cadets for the Bengal Native army. What, at the present moment, is the condition of that army? I believe I am stating the facts correctly when I remind the House that of the Bengal Native army forty-six regiments have mutinied, and two have been disarmed and disbanded. Indeed, I believe I am speaking within, rather than beyond the facts in making that statement. Assuming it, however, to be correct that forty-eight regiments of the Bengal Native army are practically gone, where, I should like to know, are the officers of those regiments? Those officers would, I believe, amount to not less than 1100, from which number you must deduct a certain proportion who have died, and a certain proportion who are holding staff or civil appointments. But, after allowing for those who have died and those who are holding civil offices, I do not think that I am in the least overstating the facts when I say that at this moment there must be a body of between 600 and 700 officers who are holding commissions in Native regiments, and who, in consequence of the mutiny or disbanding of their regiments, are wholly unemployed. I put it to the House and to Her Majesty's Government, then, whether, considering that there are 600 or 700 officers unemployed, for whom the Indian Government is bound in honour and in fact to provide in some way or other, they have chosen the right time to exercise their patronage at home by sending out 110 military cadets to be added to the officers in the Bengal Native regiments, and which regiments, in truth, have not an existence? Under the regulations of the East India Company, I believe these cadets, when once appointed, will have a claim upon the Government for gradual promotion and subsequent employment. Every one of them, therefore, may ultimately rise to be a general in the service. I make this complaint subject to correction, either in regard to the facts, or in regard to the construction which I put upon the facts. But I do think it to be a state of things that ought to be brought under the notice of Parliament, and of which we are entitled to have some explanation; because it seems to me that the 600 or 700 officers who are unemployed might be made available either for the remaining Native regiments, or newly raised regiments; that the step which has been taken is not a proper exercise of patronage; and that in a financial point of view it is ob-

jectionable and unfair for the Government of India to have these 110 persons imposed upon them hereafter as military officers.

MR. VERNON SMITH: To the first question put to me by the right hon. Gentleman relative to the Clive Fund, I must reply that, although I was entering the House when he gave notice that he intended to ask it, yet, that, seeing it was not contained in the printed paper next morning, I concluded that the right hon. Gentleman, for some reason best known to himself, did not intend to ask it; and therefore I did not come down provided with the information which was necessary to enable me to answer him. As it is a question which involves, as I said before, a great number of figures and details in reference to the present pecuniary position of a particular fund, I think it would be better that I should abstain from attempting to answer it until the right hon. Gentleman puts it on some future occasion, when I have been furnished with the information he requires. With regard to the second question, I must say that, to put it without notice, and, as he says, for the purpose of eliciting proper information, is not the way of putting it to the best advantage. For instance, I provided myself the other day with papers to enable a noble Friend of mine to answer a similar question relating to cadetships, which had been put by the Earl of Ellenborough in the House of Lords. I have not seen to-day whether that question has been asked or not; but my noble Friend is still in possession of the papers, or I should be quite ready to reply to the inquiry of the right hon. Gentleman now. As, however, his question involves a charge in reference to the exercise of patronage by the Government, I may be permitted to say that he is not correct in his estimate of the number of officers killed in India, and that I am afraid he will find it to be a great deal more than he supposes. The supply of cadets is intended to make good the loss of ensigns in the regiments; and the distribution of the appointments rests with the East India Directors; for although, of course, the Board of Control may interfere, it is not usual for them to do so. What is done is done under an Act of Parliament; but the only communication habitually made to the Board of Control relative to the appointments is a private communication, and it is very seldom that the Board of Control has interfered. The fact is that the distribution of these appointments by the Court of Directors in the present instance has not supplied anything like the number of vacancies that exist. The right hon. Gentleman talks of the Native infantry having been disbanded and disarmed; but surely he does not imagine that we are about to conduct the military affairs of India without any Native troops whatever. It is not to be supposed that for purposes of police and escort alone we could do with less than half the number of Native infantry hitherto existing, and the estimate made by the Court of Directors, I am assured by them, would not supply one-half the Bengal infantry regiments still existing, and I do not believe that any one supposes that we are to go on with less than half that number. The officers of whom the right hon. Gentleman has spoken as now unemployed would almost all of them be officers of higher rank, and it would be absolutely necessary to supply the loss of ensigns in any circumstances under which India may hereafter be governed. That is the explanation which the Directors will give of their present proceedings. They have considered the subject maturely, and if the right hon. Gentleman imagines that, for the sake of the exercise of patronage, they have filled up the vacancies in any other than the ordinary method, he is greatly mistaken. With regard to some of the officers who have been thrown out of employment by recent events the Directors hope to employ them again in those regiments of cavalry below the standard of the Horse Guards, which the East India Company are raising and about to send out to India. If this explanation is not satisfactory to the right hon. Gentleman, I shall be happy to give him more precise information if he will repeat his question on another occasion.

SIR JOHN PAKINGTON: How many Bengal regiments remain?

MR. VERNON SMITH: Very few indeed, I am afraid; I cannot say the exact number.

SUPPLY—FINANCE—QUESTIONS.

SIR HENRY WILLOUGHBY said, he wished to take that opportunity of putting a question or two to the Chan-

cellor of the Exchequer relative to some matters of finance. He understood that it was not the intention of the Government to take Supply until after the Christmas recess; but he would like to know whether they contemplated proposing any arrangement founded upon the Report of the Committee on Public Monies, and one of whose recommendations was the appointment of a Committee of the House to revise matters of public finance? He also wished to know if it were possible to place upon the table of the House an estimate of the expense that would be thrown upon the East India Company in consequence of the great increase of British troops in India? He asked this question because he feared that sooner or later, and in some shape or other, some portion of the charge would fall upon this country; and he was anxious to know if it were possible to produce the estimates of these expenses, and the means by which it was proposed to meet them out of the Indian revenue, so that the public might be set at ease upon a point in reference to which considerable anxiety prevailed—namely, that ultimately a heavy charge would have to be borne by the Imperial revenue. At any rate, he wished that the House should have some opportunity of looking at these charges before they were incurred, instead of only being called upon to sanction them afterwards. Another subject upon which he should be glad of some explanation was the state of the public bonded debt of the East India Company. At present it was in a state of discount and much depression; and he should like to be informed whether there had been any interference on the part of Her Majesty's Government which prevented the Directors of the East India Company from taking those measures which were necessary to sustain the credit of their bonds. If in addition to that information the right hon. Gentleman would state the means by which the Directors proposed to meet these various expenses, it would be satisfactory both to the House and the country.

Mr. HUDSON said, he was sorry the President of the Board of Control had left the House immediately upon replying to the question of Sir John Pakington. He thought it was most desirable that the right hon. Gentleman should have remained in his place during the discussion of a subject which was regarded with such interest by the whole community. The question how India should be governed in future was a grave and an important one; and he was of opinion that the appointment of a large number of cadets should not have been made until the House had determined that question. It was perfectly clear, judging from recent events, that it would be decidedly wrong to maintain so large a number of Native troops again in that portion of our dominions. Not that he meant to say that a certain number should not be retained, but it was a grave question whether, after the treachery and ferocity which had been displayed by the Sepoy troops, they should be employed in large numbers in future. For his part, he thought it would be preferable to maintain a greater European force in India, as well for the peace and security of the inhabitants themselves, as for the preservation and the retention of our own supremacy. He also concurred with the right hon. Baronet (Sir J. Pakington) in thinking that the President of the Board of Control, who was the representative of that Board in this House, should have exercised some control over the new appointments—at all events until Parliament had carefully inquired into the larger and more general question. He repeated that in his opinion the wisdom of making these appointments was not apparent at the present time, especially as there could be little doubt that an altogether new system of government must be adopted for India; that was to say, if we did not wish to wake up some morning and discover that our power in that country was at an end. It was most desirable, therefore, that the East India Company should not be allowed to step in and prevent the free action of Parliament by making any appointments except those which were absolutely necessary, and it would be satisfactory, alike to the House and the country, if Her Majesty's Ministers would give an assurance that the question of the government of India should come before the House at an early day, unincumbered with a large number of these new appointments. The fact was, that Parliament had been content to remain for too long a period ignorant of the affairs of India, and to leave them entirely in the hands of the gentlemen of Leadenhall Street. Before he sat down he could not help again observing, that the President

of the Board of Control should have left the House while the affairs of India were under discussion was not very respectful to the House.

THE CHANCELLOR OF THE EXCHEQUER: I am sure that nothing was further from the mind of my right hon. Friend than that of being guilty of any disrespect towards this House. But the fact is that we are not now in Committee of Supply, as the hon. Member for Sunderland (Mr. Hudson) seems to think. A Report has merely been brought up, and the Speaker is in the chair, and as my right hon. Friend has already addressed the House, even if he had remained here he could not, in point of order, have risen again and answered the remarks of the hon. Gentleman. Besides which I can imagine nothing more inconvenient than upon a formal stage like the bringing up a Report of Committee of Supply to enter into a general discussion of our Indian policy, without notice, and at a moment when hon. Members who might wish to take part in such a discussion are absent. I will not, therefore, follow the hon. Gentleman into any general debate upon either the state of India or the means of reforming the Indian government, believing that I should not be meeting the views of the House if I adopted such a course. I will therefore proceed to answer the questions put to me by the hon. Member for Evesham (Sir H. Willoughby). The hon. Member has asked me a question with regard to the Report of the Select Committee of last Session upon the subject of Public Monies; and I beg to state, in reply, that I have had that Report carefully under consideration during the recess; that it is the intention of the Treasury to prepare a Minute containing their views upon the subject; and that after the Christmas holidays I shall lay a copy of that Minute upon the table of the House, and at the same time explain the views of Her Majesty's Government in reference to it, and also the steps which they think it desirable to pursue. The hon. Baronet next asked whether any estimates could be furnished of the probable expense to the East India Company of the additional European regiments sent out to India. Now, all estimates of that sort are necessarily somewhat imperfect; but I have no doubt that it will be in the power of the Government to furnish some proximate estimate at all events, to show what will be the additional charge brought upon the revenues of India under that head. There is one point that I wish to explain to the House. It is, that there are certain advances made to the Indian treasury out of the Votes of this year. The practice is to advance the pay of all troops sent out four months, and certain stores and other things have been furnished to the East India Company out of the Votes of the present year. These charges will come to be repaid by the East India Company. But the House, I think, must be aware that this is a moment in which it is difficult for the East India Company to make the repayments with great rapidity, and therefore, that there is a prospect of some additional charge in the nature of advances—not in the nature of an ultimate charge—which will come upon the military and naval Votes, and particularly upon the Army Estimates of the present year. That may somewhat increase the temporary charge in the Votes of this year beyond the Estimates of last Session. But the revenue of the British Government is amply sufficient, as anybody may see who will look at the state of the public deposits, as shown by the Bank returns lately laid upon the table of the House, to meet any possible exigencies in our expenditure. That is my answer to the second question of the hon. Baronet. His third question relates to the bonded debt of the East India Company. First, he asks, whether it is true that the Government have refused permission to the Court of Directors to raise the rate of interest on India bonds? I have no doubt that the hon. Baronet has received correct information upon that subject. [Sir H. WILLOUGHBY: It was merely a guess.] Then the hon. Baronet's guess is certainly quite correct. It is true that the Board of Control, with the consent of Her Majesty's Government—myself among the number—did concur in refusing permission to the East India Company to raise the rate of interest upon their bonds. And they did it for this reason—they thought that the depression in the value of India bonds was owing to extraordinary causes. It was before Delhi was taken, and whilst the mutiny was raging at its highest point; the depression seemed rather to affect the credit of the East India Company itself, and the probable receipts of the India revenues; it appeared to re-

late rather to the value of the principal of the bonds themselves than the rate of interest; and therefore it was not deemed advisable that the East India Company should take any step with regard to the rate of interest until the cause of the depression had passed away. There was no necessity at that moment for raising the rate of interest. A year's notice must be given before the bonds can be paid off; and it seemed to us undesirable, in that state of things, for the Company to bring an additional charge upon their revenue, merely for the purpose of supporting the character and credit of their bonds, when it was manifest that that credit and character was not impugned, and that whatever depression existed was owing to the political causes which it was hoped would speedily cease. This, Sir, is the ground upon which the Government refused to give their assent to the resolution of the Court of Directors, and I am prepared to defend their refusal in case any Gentleman in this House should impugn it. The amount which the Indian Government is authorized to raise on bonds is £7,000,000. I will only state in reference to the general remarks of the hon. Baronet, that the expenditure of India has never hitherto, to my knowledge, been a source of expense to this country. I am not aware that the British Exchequer has at any time been charged with the expense of Indian wars, that any contribution to the expenditure of the Indian Government has ever been made by England, or that even a loan contracted by the Indian Government has ever been guaranteed by Act of Parliament. Hitherto, the whole of the expenditure of India has been borne by the revenues and resources of India, and I think we must look to the continuance of that state of things as soon as India shall have passed through the present crisis. It is possible that, whilst the present state of anarchy which prevails in some of the provinces continues, the Indian Treasury may be unable to meet some of its current expenses; that its means of borrowing may be somewhat crippled; and that some limited or temporary assistance may be required from this House. And I feel sure that if, upon a full statement of the Indian finances, of the revenue, and of the expenditure, which will be made to Parliament in due time, it should appear that some assistance may be requisite, this House, which is always ready to give a fair consideration to questions of that sort, would not hesitate to do what may be necessary for the maintenance of our empire in India. At the same time I am bound to state that, as at present advised, I do not anticipate any large or serious charge upon this country arising out of the necessities of the Indian Treasury. My belief is, that the Indian revenues will be found before long sufficient to meet a large part of the current expenses; that the credit of the Company will be sufficiently restored to enable them to borrow that which may be necessary to supply a deficiency; and although, in case of necessity, I should not hesitate to appeal to the liberality of Parliament, I do not anticipate that there will be occasion for making any formidable demand upon that liberality. I hope the House will see that I do not venture to speak with any confidence at present in regard to a future which is necessarily uncertain. I speak only from the accounts which have hitherto been received. I do not undertake to predict with certainty that which may happen in the next few months. We see how rapidly events alter in a short space of time; but what I am now stating I am stating as the best judgment which Her Majesty's Government can form with reference to the past; and I trust that the House will understand me as having spoken with that necessary reserve which the progress of a mutiny ending in a more general revolt necessarily demands.

Mr. W. WILLIAMS asked, whether the advances to the East India Company had been made out of any surplus in the Votes of last Session? And if so, from what department of the public expenditure that surplus has been derived?

The CHANCELLOR of the EXCHEQUER: The course which has been followed in this instance is exactly similar to the course which has been followed in previous years with respect to advances to the East India Company. But inasmuch as the present advances have been made upon a larger scale they lead to more important consequences. The practice has always been for the British Treasury to pay the troops shipped for India four months in advance, this four months' pay being afterwards repaid by the Indian Treasury. I need hardly inform the House that the number

of European regiments sent to India has been in general very limited, whereas this year it has been extraordinarily large. Therefore, with regard both to the advance of pay and the advance of stores, the same practice has been pursued this year as in former years. But from the circumstance of our sending out some 40,000 men, instead of 1500 or 2000, it is clear that the temporary charge thus brought upon the British Exchequer must be much greater than in ordinary years. It is, however, merely the ordinary practice multiplied by a different figure, and the surplus of which the hon. Member speaks is nothing more than advances made out of the Votes for the year. They are perfectly regular and legal payments; but it was not foreseen to what extent the advances would go at the time the Estimates were prepared and the Votes were agreed to by this House.

The said Resolution being read a second time, was *agreed to*, *Nemine contradicente.*

Resolved,

"That this House will, upon Friday next, resolve itself into a Committee to consider of the Supply granted to Her Majesty."

BANK ISSUES INDEMNITY BILL.

The Order of the Day for the third reading read.

Motion made, and Question proposed, "That the Bill be now read a third time."

SIR HENRY WILLOUGHBY said, that the effect of this Bill would be to make an alteration in the currency law of the kingdom for the space of nearly three months, by giving the Bank of England power to issue paper to an unlimited extent for that period, upon securities, so long as the rate of discount is kept up at 10 per cent. That was rather an important change in the law, and he could not help thinking that the Bill had been passed upon insufficient evidence, and that Parliament ought to have more distinct information of the causes that had led to the necessity of the suspension of the Bank Act than it had hitherto had. On the second reading of the Bill he asked the right hon. Gentleman the Chancellor of the Exchequer whether he was aware of any undue strain or pressure that had been brought upon the resources of the Bank of England to produce this state of things, and it was very satisfactory to him to hear from the right hon. Gentleman that he was not aware of any such pressure. But there might, after all, have been such a pressure, and yet the right hon. Gentleman might be the very last person to hear of it, and he thought, therefore, this important matter should not be made to rest upon the statement of any Minister, however high in office. He contended then, and he still contended, that it was the duty of the House itself to make itself acquainted with the causes that had led to the late suspension, and to know what was the precise action brought to bear upon the Bank of England before they came to the right hon. Gentleman to ask for a suspension. He must remind the House of what was stated in evidence by Mr. Chapman, than whom no man was more likely to know, that such was the position of our currency law that it was in the power of any great capitalist to act upon it in a manner the most prejudicial to the public interests. He stated that it was in the power of any great capitalist so to deal with £1,000,000 or £2,000,000 of Consols that he might get hold of bank-notes for them and withdraw them from circulation. If that were done when the Bank resources were otherwise in a low state, it would be productive of most serious consequences to the country. He knew a case where at a time when the usual rate of discount was 6 per cent, a gentleman on the Stock Exchange borrowed £50,000 at 6½ per cent, another £50,000 at 7 per cent, and £100,000 at 8 per cent. At first no one could understand the meaning, but it turned out that in consequence of the action that had been produced upon the reserves this gentleman fancied he saw a storm coming, and wished to secure himself by borrowing money at these rates. Now, he would ask, was that a safe state in which to leave the currency? Would they give facilities to parties to act in that way? What he wanted was a Committee, not to plunge into the general question of banking, but to inquire into all the facts that had taken place in the City within the last six weeks, and then to leave the House to draw its own inferences and to apply a remedy, if a remedy were required. Some very curious facts had come out in the course of last week. There had been distinct allegations of unfair play contained in the City article

of *The Times* of the 17th November. When that statement was coupled with the evidence given before the House of Commons' Committee that such things were possible, it became very desirable that all that had taken place should be known and put on record. He wished to ask the right hon. Gentleman whether any facts had come to his knowledge to the effect that at a time when the Bank reserves were very low, say on the 12th of November, one great bill-discounter had gone to the Bank of England and asked for nearly a million of money. If that were true it showed the critical state of our finances, for it was also said that because the demands were not satisfied at the moment a rumour arose that the bill-discounter had been refused. That, no doubt, would greatly aggravate the pressure till the appearance of the Government letter advising the Bank Directors to break the law. He did not complain of that, but he thought the responsibility ought not to be thrown upon the Prime Minister and the Chancellor of the Exchequer; the letter ought to be issued by authority of the Queen in Council. There was another question to which he wished for a moment to advert. He understood the Chancellor of the Exchequer to deny the other evening the correctness of the proposition that the issue of bank-notes on securities had in any way debased the currency, and altered the value of all contracts. Now it might be very true that all that had been done had a very slight effect on the currency; but he submitted to the House that if only £14,500,000 of notes could be issued upon securities by law, and if other parties could induce the Government to issue £2,000,000 more, there was *pro tanto* a cheapening of the currency; and that was all that was contended for by those gentlemen to whose views the Chancellor of the Exchequer objected. If the amount had been £10,000,000 instead of £2,000,000, then, he apprehended, there would be no dispute about the effects of the alteration, that the currency would have been cheapened, and the relations of all contracts altered. He had no doubt, therefore, that the relaxation, slight as it had been, must have had some effect in cheapening the paper currency of the country, and he thought the House could not be too cautious in any step that made the slightest approach to that state of things. On the whole, therefore, he thought things were in a very unsatisfactory position. The Government certainly had the precedent of the letter of 1847 to rely upon; but the state of vacillation and uncertainty in which the Government of that day were in before the issuing of that letter was most singular, and ought of itself to point out the necessity for devising a remedy for the present system. On the 20th of October, 1847, a deputation of Liverpool merchants waited upon the Chancellor of the Exchequer of the day—the present First Lord of the Admiralty (Sir C. Wood)—asking for a relaxation of the Act of 1844, but they were told by the right hon. Gentleman that such a relaxation was entirely uncalled for, and would not be sanctioned by the Government. And yet on the 25th of the same month—five days after—appeared the letter of the right hon. Gentleman and the noble Lord the Member for the City of London, authorising the Bank to break the law. Surely that was not a fair way of treating the productive interests of the country. It might be difficult to devise a remedy, but it was the duty of the Government and of Parliament to make the attempt, and the collecting together of all the events which had taken place during the last six weeks in the city of London would be of the greatest assistance in that endeavour.

Mr. VANCE said, that as he represented the city that was the centre of banking operations in Ireland, and having had the honour of a seat on the Bank Committee of last Session, he was anxious to make a few observations on this subject. He believed it was as impossible for them to provide against alternate seasons of prosperity and adversity in commerce as it was in agriculture; but still it was their duty, if possible, to alleviate the distress by proper regulation of our banking and currency laws. The present crisis, he thought, bore a stronger resemblance to that of 1837 than to any other. He was engaged in business in 1837, as he was now, and he remembered that there was then a great temptation to certain capitalists to raise money upon bills drawn upon American houses here, and send it to America, where it produced a higher rate of interest than was given in England, and those bills swelling to an enormous proportion deranged the currency of the country. In 1837 a great

American house came to the Bank requiring assistance in consequence of having made lavish advances upon American bills. On the present occasion another great American firm had to do the same thing, and that assistance was granted not on principle, but because of the tremendous consequences that a refusal would have involved. The crisis of 1825, he believed, was owing to the over-issue of notes. There was then no restriction, and every bank issued as many as it pleased. But as that was now prohibited by law, a crisis arising out of such a course was not likely to happen again. The crisis of 1847, again, was chiefly caused by the Irish famine, and the gold that was sent abroad to secure the purchase of food. On the present occasion he certainly thought the House did right in passing a Bill of Indemnity; and he would go further—he would have indemnified the Bank though they had paid away their last sovereign in order to save the country from the worst disaster that could have occurred—the impossibility of obtaining discount for fair and honest mercantile paper. If the last sovereign had been paid away, he believed the disaster would not have been so great as was generally imagined. The notes of the American banks that had stopped payment, with a fair prospect of resumption, were now only one per cent less in value than the silver dollar, and he believed the Bank paper would never have fallen to so low a discount as that. The only practical suggestion that had been thrown out on this question was by the hon. Member for North Warwickshire. He proposed that there should be a sort of double currency, one convertible, the other inconvertible. He (Mr. Vance) was afraid the effect of this would be that the one would always be at a large discount as compared with the other; it would be totally inapplicable for foreign purposes, and he thought the existence of the two would cause great confusion. He, in his turn, would throw out a suggestion—to which, however, he was not wedded—but which he thought deserved the consideration of the House. It might be thought to be a virtual repeal of the Act of 1844, but still it kept up the chief provisions of it. He would insist in the first place that the Bank should publish its accounts more in detail than they were at present—that, for instance, they should explain what the "other securities" meant, whether bills discounted or advances made. He would then place the relaxing power wholly in the hands of the Bank itself. It was stated by the Governor of the Bank in his evidence that whether Peel's Bill had been in existence or not, the conduct of the Bank in raising the rate of discount and checking the flow of gold out of the country would have been exactly the same as it had been. The chief object of his plan would be to remove that painful break in commercial operations between the time when the relaxation of the law was seen to be inevitable and its actual coming—that period when the difference of a day made a house solvent or insolvent. It now happened that firms which were in difficulties before the Act was suspended went down, while those that just managed to tide over the critical time carried their heads as high as ever, though they might not be a whit more solvent. He would allow the Bank to act upon its own responsibility — and a very serious responsibility it was — the responsibility of stopping payment if it did not secure its reserves. He was aware that the Bank did not want that power. One great reason why they wished to retain the present Act was, that they might avoid that responsibility, and that in case they should be brought to stop payment, they might be able to throw the blame on the Government, who had authorised the transgression of the limit. But they were entitled to no such protection, and he would lay it entirely upon them. He was surprised to hear one of the Irish Members, who was generally well informed, talking the other night of the Irish banks being allowed an unlimited issue of paper, and that it was only their good sense which prevented an over-issue. The fact was quite the reverse. By the Act of 1845, as it was applicable to Ireland, an average of the Irish issues was taken, and all the paper they issued beyond that average must be on a deposit of gold. That had answered perfectly well in Ireland, where he must say it was to the credit of the country that sent him there that there had been no over speculation; no bills in circulation without value received, on that side, but on the solid basis of cash payments or short credit. The same hon. Gentleman had suggested that the drawing of bills without value received should be made a penal offence. But such a law

would prevent the Bank of Ireland drawing upon the Bank of England for £5000 unless it had funds to that amount standing to its credit in the Bank of England, and it would prevent bankers drawing on their correspondents under similar circumstances. He was surprised the good sense of the hon. Member did not show him the absurdity of such a proposition. Some dark hints had been thrown out respecting some changes that were contemplated in the Irish currency; and, among other things, it was said to be in contemplation to make the Bank of England notes a legal tender in Ireland. There was no necessity for such a step. He was fully aware of the inconvenience of having to bring over a quantity of sovereigns from the Bank of England to meet a run on the Irish banks; but the whole difficulty would be avoided by making the notes of the Bank of Ireland a legal tender in the hands of the other banks. It had been stated last night that it was quite impossible to get the circulation of the Bank down as far as £18,000,000; but seeing the rate at which the gold currency had increased—one-third in the last six years—and that it amounted now to at least £50,000,000, he thought it was quite possible to reduce the circulation within that limit. The right hon. Gentleman (Mr. Gladstone) had stated the other evening that the members of the Bank Committee had gone there to teach and not to learn. He had gone into the Bank Committee, not to teach but to learn. He had learnt in that Committee the necessity of the convertibility of paper; he had learnt that there would be great danger in changing the standard of value; and he had been convinced by what he had heard there that for many years past the Directors of the Bank of England had managed it with the greatest integrity and prudence, and with as much regard for the interest of the public as for the advantage of their proprietary.

Mr. HUDSON said, his constituents were very grateful for the manner in which the Act of 1844 had been virtually repealed by the letter of the right hon. Gentleman. They had waited with considerable anxiety for that letter, for they knew it must come. He was not prepared to say that the letter was not too long delayed, he rather believed it was; he thought it ought to have been out in August last, and every morning for some time before it appeared he had looked anxiously for it in the newspapers. But no one voted more cordially for the indemnity than he did, though he felt, with the hon. Baronet the Member for Evesham, that it left the matter in a very unsatisfactory state. He was glad to say that the town which he represented had foreseen the storm, and had drawn in their sails, and the consequence was, that there was hardly any town in the country that had suffered less. But he now wished the House and the Government to propose some measure which would prevent those shameful recurrences of breaches of the law. In the course of his chequered life no man had dealt more with money than he had—no man had had a greater command of it—no man had had more to do with it, and he had now the satisfaction of seeing that there was no enterprise on which he spent money that was not productive to the shareholders and beneficial to the public. In 1847 the crisis that then occurred was attributed to the railways; but he was on the Committee that sat in the following year, and he recollected then having a conversation with the late Sir Robert Peel on the subject; he attributed the crisis to the railways and asked him where the money that made the railways came from? He (Mr. Hudson) said, out of the pockets of industrious men, who, if they had not the railways to invest in, would, in all probability, have invested it in some foreign securities. But he said to him, "Where does it go? Does it not go into the pocket of the English landowner, the English ironmaster, and other persons in this country?" And Sir Robert was obliged to admit that it did. He was not sure, however, but that the drain of the precious metals for the East Indian railways, together with the money sent abroad for the purchase of food for the people, would have produced the crisis. The Government had been blamed in some quarters for standing by the law. But what Government would have dared to stand still and let the people starve in order to carry out a theory? In 1847, before the Government letter was issued, a deputation of Liverpool merchants waited on the Government to ask for a relaxation of the Act; but the Chancellor of the Exchequer of the day, the present First Lord of the Admiralty, said he could give none. Some gentlemen

from the north had waited on the right hon. Gentleman in the August previous to tell him that they foresaw that there would be a scarcity of money, and to ask the Government to take steps to meet such a crisis; but the right hon. Gentleman, with his usual pleasant way of putting off matters, only said to them, "Oh, there's plenty of discount to be got on good paper and good security." He himself (Mr. Hudson) on the Saturday before the issuing of the letter had occasion to pay some £60,000 or £70,000. He had £100,000 of Exchequer bills, and though he tried all the money dealers in the City to get an advance on them, he could not succeed. He was told that he must sell them, and that even then he must submit to a heavy loss. He then took them to the Chancellor of the Exchequer, and asked him whether his own Exchequer bills were not good securities, and yet it was impossible to raise money upon them. The right hon. Gentleman said there was plenty of money if the public would only pay it out. He (Mr. Hudson) admitted that; but then nobody would part with it. They buttoned up their breeches pockets. He believed the whole effect of the limit that was now placed upon the circulation had been to lock up in Lombard Street £8,000,000 of notes. As soon as the letter was issued the notes were brought out of the safe, and money was once more abundant. The noble Lord the Member for London charged all who differed from him with a desire to do away with the convertibility of the notes. He (Mr. Hudson) did not want to repeal the Act, but he wanted to give the power of relaxation to the Directors of the Bank of England, to be used at their own discretion, and leaving the responsibility with them. Look at the state of the deposits in the Bank of England. Did they suppose that there would have been £14,000,000 deposited there when money was at 10 per cent if the public had had confidence in the state of affairs? Two-thirds of it would have been out at discount, but a man said, "I know not how matters may go, and I want money, not for a week or a fortnight, but for months to come;" the chief anxiety of every man was to make himself secure with regard to his out-payments. No man of business pretended to be able to conduct his operations upon fixed and unalterable principles: new circumstances continually altered his position, and he acted according to the circumstances that arose. The public wished the Government to legislate on the subject, and were of opinion that the information before them was sufficient to enable them to do so. It was the duty of the Government to provide for an admitted evil, and to let the mercantile world know the position in which they were placed. When the Committee of 1848 was sitting public opinion at the time was that the operation of the Act of 1844 was not understood. The same alarm would, however, occur again so soon as the reserve decreased. It was not his business to suggest what alterations should be made. All that he knew was that public opinion almost unanimously condemned the Act. The Act might suit money-lenders; it might suit a nation of usurers, but not a nation of merchants. What absurdity to expect that a man should employ his money in ordinary commercial transactions if he could get 9 or 10 per cent by lending it. In fact, the system had been concocted as a means of raising the value of money, and hence it was injurious to, and depressive of, the trade of the country. The gentleman who had concocted it did not get his money under a system which curtailed credit; on the contrary, his career commenced when credit was extended to its utmost extent. If it were attempted to carry on the transactions of the country by means of the metallic reserve alone barter must be the result. He had thought a great deal upon the subject, and he would suggest that power should be given to the Bank of England to issue notes upon bills under discount to the extent of one-third their value, — for surely bankers' bills and the bills of first-class mercantile houses were worth 6*s.* 8*d.* in the pound. Whatever proposition was made, he wished to impress upon the Government that it would give the greatest dissatisfaction and cause the greatest disappointment if they were not prepared to deal with the question themselves instead of referring it to a Committee. A Committee might be very well upon other matters, but upon this the Government ought to be prepared to say either that they would abide by the Act and not have these shameful violations of it, or that they would alter the law so far as to secure an elasticity which should relieve pressure when alarm took possession of the public mind. There

was great difference of opinion as to whether the letter came too soon or too late; but if the letter had not come and the banks had not behaved in his district in the most liberal and kind manner, thousands upon thousands would have been out of work, and the most fearful consequences would have resulted. It was impossible to maintain the Act in its entirety, and he hoped Her Majesty's Government would prepare a Bill during the approaching Christmas recess to get rid of that obnoxious and injurious part of it which limited the issue of notes under all circumstances to the amount of bullion in the Bank.

Mr. J. H. PHILIPS approved of the proposal to grant an indemnity, for he did not think that the Government could have acted otherwise than they had done. As to the cause of the recent embarrassments, he could not think that the currency had anything to do with them, because the same state of things had occurred in America, where there was virtually a paper currency; in Hamburg, where the currency was virtually metallic; and in this country, where the currency was a mixed one of paper and gold. He believed that the cause was a natural one, and was one over which the Government had little or no control—namely, an excess of improper speculation. Of late years a great change had taken place in the public mind as to the subject of banks. Formerly if the banker kept his customer's money and honoured his cheques, he was entitled to the profits of the balance in his hands; but of late depositors looked to receive large interest from their bankers. He knew of persons not properly connected with commerce who had received as much as 9 or 10 per cent interest on money at call in their bankers' hands. He could never believe that bill-brokers or bankers could pay such interest on money without discounting bills of a dangerous nature. It might be said that the practice of allowing interest brought money into commerce which would otherwise be hoarded. He admitted that hoarding or keeping money perfectly inactive was not desirable, and that activity was preferable; but there was a difference between activity within the bounds of prudence, and a feverish activity leading to spasmodic convulsions, and ending in perfect exhaustion. There was no cure, which he could see, for the latter state of things, except the logical one of letting every one suffer for his own imprudence. But when such a crisis as the present arose, so widespread was the evil that the Government had felt unequal to resist the pressure put upon them to interfere. He was afraid that the same thing would continue to go on in a vicious circle; that individuals would go on in their career of speculative transactions in the hope that the Government would again step in to relieve them; and that in the long run neither the Government nor the Bank would be able to come forward to their relief. But, as a corrective, he hoped the conviction would become more widely diffused among the community of the truth of the principle which was never more tersely expressed than by the late Duke of Wellington, "that high interest means bad security."

Mr. BAGWELL thought, that any interference with the banking system of Ireland would be fraught with great mischief and produce great uneasiness. The circulation of Ireland was very little more than £6,500,000. In the south and west a sovereign was very rare, and the people scarcely knew what it was. The issue of the Bank of Ireland was £3,509,250; the issue of the Provincial and National Banks of Ireland, which afforded the almost entire circulation of the south and west, was £2,109,085. Any interference with the Provincial or National Bank by restricting the issue of their notes or the issue of £1 notes, would have a very bad effect upon the agricultural transactions of the country. There were three or four joint-stock banks in the north of Ireland, issuing their own notes, and their circulation amounted to about the same as either of the southern banks. Irishmen were not often content with their lot, but in this particular they were. They looked upon banking as a banking system, and not as a jobbing system. They were satisfied with getting 3 per cent on deposits for three months; and if they wanted to speculate they had only to draw out that money and bring it over to England, where they could get 8 per cent. He thought, however, that the giving 8 per cent on money which was only left for a month showed, not *bonâ fide* banking, but jobbing. He desired to restrict any propensity for jobbing, but not to restrict legitimate trade, which was the lifeblood of a country. Whatever arrangements were made by the Government, he hoped that, as the Irish were content, they

would be left alone with their joint-stock banks and their £1 notes, and that they would not be forced to circulate only Bank of England or Bank of Ireland paper. The Tipperary Bank was carried on by means of Bank of Ireland paper; if they had issued their own paper they never could have perpetrated one of the most gigantic swindles ever known, because no man in Ireland would have trusted them without the Bank of Ireland paper. He hoped that under the circumstances the Government would not interfere with the Irish banks.

Mr. KIRK, in reply to some observations from Mr. Vance, explained that what he had said on a former occasion was, that there had been no over-issue in Ireland, and with regard to fraudulent bills of exchange, that he had no intention of including in the description of bills of exchange drafts of the Bank of Ireland on the Bank of England, which he considered more as bank orders or bank post bills.

Mr. ADAMS thought there was a defect in the Chancellor of the Exchequer's statement, inasmuch as it contained no indication of the nature of the pressure put upon the Government to induce them to relax the Act of 1844. He concurred in all the expressions of thanks which had been tendered to the Government for the relaxation, but he deemed it a question whether the relaxation should not have taken place at an earlier period. All he wished to know from the right hon. Gentleman was some general indication of the nature of the representations made to him to induce him to make the relaxation. He did not agree with the hon. Member for Evesham (Sir H. Willoughby), who recommended the appointment of a Committee to inquire into the present crisis, because until transactions now current were matter of history, it would be unsafe and unfair to make inquiries into the position of firms of high standing, which might entail serious consequences. They were all agreed that if the Act of 1844 were to be maintained there must be a relaxing power somewhere, and that unless there was some such safety valve the chances were the whole machine would burst. It was therefore highly necessary to ascertain the nature of the pressure and the representations which were made to induce the Government to issue the letter at a particular time. He had the highest possible respect for the members of the existing Government, but, with the vague feeling which prevailed out of doors against anything like irresponsible power or improper and indirect influences, he hoped the Government would give a distinct and positive assurance, not indicating the persons from whom they received it, but that they did receive strong representations from many persons to induce them to advise the Bank to violate the Act. An impression prevailed that the representations to the Government came only from a few, and were based upon entire misrepresentation. It was said to have been plainly and broadly stated to the Government to induce them to do what they did, that the Bank had refused to make any further advances. The rumour had been repeated with so much circumstantiality that he hoped the Chancellor of the Exchequer would give a general contradiction to it.

The CHANCELLOR of the EXCHEQUER: I am sorry to have to trouble the House again upon this question, but I think it would be disrespectful to the hon. Gentleman who has just sat down if I did not answer the question which he has put to me in so pointed a manner. If the hon. Member had been in his place on the night when I made a previous statement, he would have heard that which does, in fact, answer, by anticipation, the question; because I then stated in the most distinct manner that it was not in consequence of any representation addressed to the Government by the Bank Directors, or of any pressure applied to them by deputations, or of any representations by mercantile houses, that the Government were induced to issue their letter. What I stated was that the Government acted exclusively upon their own view of the facts, and upon their own responsibility, knowing that if they advised an infringement of the law it would be their duty to ask for an indemnity. The grounds upon which, as I have previously stated, the Government acted were these:—We looked at the authentic accounts of the Bank of England, and we obtained from the Governors of that Bank a statement, day by day, of their financial position. Upon those facts and our own anticipation of what would be the consequences if we did not address such a letter to the Bank we decided; and I state again, as I stated before, that no pressure whatever was placed upon the Government which they

could not with the utmost facility have resisted. I do not rest the decision of the Government in the smallest degree upon the impossibility of our having acted otherwise. I state distinctly that if we had chosen to withhold that letter, and if we had thought there was not such urgency in the position of the Bank as rendered it expedient and even more than expedient that the letter should be issued, it would have been as easy to have withheld the letter as to have issued it. I do not know that I can add anything to that language to explain to the House that it was not in consequence of any representations of individuals that we came to that conclusion; but lest it should be thought that my answer is any way defective, I will state to the hon. Gentleman and to the House that, as far as I can recollect, no person complained to me that the Bank had refused discounts. It was represented that there was great difficulty in obtaining discounts otherwise than through the Bank. It was represented that discounts had virtually ceased in London except at the Bank. But I did not hear, either from the Bank Directors or any individual, a complaint that the Bank had refused discounts. Of course, it must be conceived that the Bank could not discount indiscriminately, and, although I have no detailed knowledge of the operations of the Bank, I conclude that they will at a time of crisis, as at any other, exercise discretion in the choice of bills they will discount. I can only repeat that I have no recollection of having heard from any individual any complaint of withholding of discount by the Bank, and that I do not rest the case of Government interference upon anything else than the state of the Bank as exhibited in the papers now before the House. If you refer to the state of the Bank reserve you will see the notes were £958,000 on the 11th of November, and on the 12th £131,000. The letter issued from the Treasury was not signed until after three o'clock on the day of the 12th, and could not have reached the City time enough to influence the operations of the Bank on that day. I leave it to the House to judge whether that was not a state of things which at any rate would create some apprehension on the part of the Government, which must be considered as exercising at such times great responsibility. Before I sit down I may perhaps be allowed to refer, though it is not a matter of any great importance, to a statement made by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley). I am sorry to have to make the correction in his absence, as he is a very fair and accurate critic. He said he thought the Government might have been accelerated in their movements by the knowledge that certain deputations were coming from Liverpool; that although they were not formally announced, there were indirect means of knowing; that coming events sometimes cast their shadows before, and that very likely the Government were stimulated by the knowledge of these coming deputations. I can only say I have no recollection of having heard of any intention of sending such deputations to London, and I do not think my noble Friend at the head of the Government received any such intimation. Certainly he did not communicate any such intimation to me; and I can most sincerely state to the House that I am quite confident the Government were not in the smallest degree influenced in coming to a decision by the anticipation of deputations from Liverpool or elsewhere.

Question put, and *agreed to*.

Bill read 3°.

Upon Question that the Bill do pass,

The CHANCELLOR of the EXCHEQUER said, that he had to move a verbal amendment in the first clause in consequence of an objection taken to it by his right hon. Friend the Member for the University of Oxford. The words of the first clause were intended to be so comprehensive as to prevent any technical legal objection to the bank issues, seeing that a certain number of notes had been issued in violation of the law which could not be distinguished from the great body of issues. It was important that the words should be sufficiently comprehensive; but his right hon. Friend, jealous of the Bank, thought that the Directors might be indemnified without making the words so wide. He would therefore propose to insert, instead of the words "all acts done by them in relation to such issues," the words "all acts necessary to the making of such issues."

Verbal Amendments made, and Bill *passed*.

House adjourned at Three o'clock.

HOUSE OF LORDS,

Thursday, December 10, 1857.

MINUTES.] 1ª Trustees Relief; Transfer of Estate Simplification.
2ª Bank Issues Indemnity.

BANK ISSUES INDEMNITY BILL.

SECOND READING.

LORD STANLEY OF ALDERLEY, in moving the second reading of this Bill, said, he believed there had been a general understanding that the discussion upon this Bill should take place upon the third reading, and therefore he now proposed that the Bill be read a second time and that any debate upon it should take place to-morrow.

THE EARL OF DERBY said, he was not present upon the occasion when the presumed understanding was come to, but he had no desire to interfere with it. It was very important that the Bill should not be allowed to pass without being discussed, but at the same time he had no wish at all to impede a measure which he believed was but an act of justice to the Bank Directors and the Government. He, however, would avail himself of the present opportunity of calling the attention of the Government to a part of the Bill of which, as he conceived, some explanation was necessary; he referred to that part of the Bill which required that the rate of discount should be kept up during the whole period of the suspension of the Act of 1844 to a minimum of 10 per cent. He could understand that at the period when the suspension took place it might have been quite proper and necessary to make that requisition; but it was different when they were passing an Act, not merely of indemnity, but for continuing the suspension of the Act of 1844 for twenty-eight days after the meeting of Parliament in February. The continuance of so high a rate of interest after the absolute necessity for it had passed away was most undesirable, as tending to prevent the restoration of public confidence and to inflict great and perhaps undeserved suffering upon the smaller class of traders. He was not prepared to move any amendment upon the point, but he thought the Government would act wisely in leaving a discretionary power to the Bank of England, instead of prescribing an absolute restriction for two months longer. If the Government should press the provision to which he had referred, he hoped at least they would be prepared to give some explanations of the reasons which induced them to take that course.

Bill read 2ª (according to order); Committee *negatived*, and Bill to be read 3ª *To-morrow*.

TRANSPORT OF TROOPS TO INDIA.

CORRESPONDENCE MOVED FOR.

VISCOUNT DUNGANNON, in moving for Copies of any Correspondence that may have taken place during the present year between the East India Directors and the Board of Control relative to the Transmission of Troops to India, observed that he did not seek to inquire into the question whether the Government had commenced sufficiently early to send out reinforcements to India, but he wanted to know why, when the necessity for reinforcements was admitted by them, they had not adopted means to forward the troops with the utmost expedition. It appeared that a passage through France had been offered by the Emperor Napoleon, but it had not been accepted, neither had a similar offer on the part of the Sultan. Troops were sent in sailing ships, which by some peculiar mode of reasoning were conceived by the Government to be a quicker mode of transit than steamers. There was an impression among the public that the best means had not been adopted to forward reinforcements. If that impression was erroneous, the public should be disabused of it; and the best way in which that could be done was by the production of the documents relating to the subject. If, on the other hand, the public impression was incorrect, it became the imperative duty of Parliament to ascertain on whom the blame rested.

EARL GRANVILLE said, the noble Lord was probably not aware that a Committee was about to be moved for in the other House to investigate the whole question, and that the Government, who were only desirous that the fullest inquiry should take place, would assent to its appointment. All the correspondence which had passed between the Board of Control and the Court of Directors of the East India Company respecting the transmission of troops would be laid before that Committee; and, under these

circumstances, perhaps the noble Lord would not press his Motion, as the object he had in view would be fully answered by this proposed inquiry.

In answer to Viscount Dungannon,

Earl GRANVILLE said, he wished to be understood as saying that the Committee would have power to call for the papers if it chose, but he could not pledge himself that they would be required.

Motion (by leave of the House) withdrawn.

THE INDIAN MUTINY—OBSERVATIONS.

Viscount MELVILLE said, there was a point which had not been sufficiently alluded to, on which it was desirable they should have some information. It was extraordinary that the local Government should have had no information of an organized mutiny such as that which had broken out in India. He believed it was perfectly well known that the revolt was to commence all over the country on a certain day; but owing to some misunderstanding it broke out a day or two too early at Meerut, otherwise the disasters we had now to deplore would have been far greater. He was told that information of the intended mutiny had been communicated to the Indian Government by indigo merchants, and even by officers of the army; but it seemed that the letters containing this information were totally disregarded, and not even answered by the Government. The signal for the outbreak went through the land like the fiery cross of old without the local Government taking the slightest notice of it, or making any preparations for putting down the movement, and, as soon as it began, they seemed to be taken entirely by surprise. He hoped Her Majesty's Government would give some explanation to the House on this important subject. The local Government ought to tell them what information they had received, and whether, on receiving it, they made immediate preparations for strengthening their means of defence.

Earl GRANVILLE said, he admitted the necessity of a full inquiry; but at this moment it was premature to urge such an investigation.

Lord MELVILLE explained, that he did not blame Her Majesty's Government for anything which had occurred, because he believed they acted as promptly as they could do after receiving intelligence of the revolt, but he found fault with the local Government for not attaching due weight to the information which was communicated to them.

Earl GRANVILLE was understood to say, that Her Majesty's Government were not aware of the exact nature of the information which the local Government of India had received, and that he was, therefore, unable to give a definite answer to the question of the noble Lord.

The Earl of DERBY said, this was a subject which could not be dealt with lightly; but at the present moment, when we were engaged in repressing and putting down the mutiny, it would be premature, and perhaps injurious, to inquire what information had been received by the Government as to the causes of the mutiny. When, however, the revolt had been put down, it would be the bounden duty of Parliament to inquire into its causes; and, moreover, to satisfy themselves and the country whether the Government had, in point of fact, received any information which would have enabled them to make more complete preparations than they had done, and what use was really made of such information.

ASSASSINATION OF MR. SULLIVAN, BRITISH MINISTER AT PERU.

The Earl of POWIS, in rising to put to the Secretary of State for Foreign Affairs the question of which he had given notice,—What information the Government had received concerning the Assassination of our Minister at Peru, and what Steps they had taken in the Matter—said, it was necessary for him to bring to their Lordships' recollection the extraordinary circumstances under which that act was perpetrated, but he might observe that it was an act in which not merely the feelings of that gentleman's family and friends were concerned, but one which, for the sake of the community at large, should not be allowed to pass over without some satisfaction being given; because the efficiency of all our diplomatic relations rested mainly on the principle of personal security, which, by the common consent of all nations, was observed as regarded the accredited representatives of other countries. He hoped the noble Earl would state what information he had received on the subject, and what steps had been taken to procure the conviction of the

persons guilty of the murder, and that Her Majesty's Government would not allow their efforts to be thwarted by the transatlantic indifference for human life, or by the proverbial procrastination of Spanish justice.

THE EARL OF CLARENDON: My Lords, it was in the month of August last that we received from our Consul at Lima an account of the murderous attack made upon Mr. Sulivan. On the day following that on which he was attacked Mr. Sulivan died, having suffered great agony from the wounds which he received. It appears that he was struck by the assassin while at dinner with his secretary and other persons. The assassin escaped. Mr. Sulivan, before his death, said he did not believe he had an enemy in the world; and the general opinion there was that he had not an enemy in Peru, for there never was a more amiable or good-natured man, or one who was less likely to give offence to any person. The assassin appeared to have had accomplices waiting outside Mr. Sulivan's residence, and with them he escaped beyond the city. I must do the Peruvian Government the justice to say that nothing could exceed the feeling which they manifested at this most atrocious murder, or the activity which they showed in adopting measures for the detection of the perpetrator. The Peruvian Minister of Foreign Affairs was, at his own request, the chief mourner at Mr. Sulivan's funeral, and both by written communications and verbal ones through the representative of Peru in this country, the Peruvian Government have expressed their deep regret at the occurrence, and informed us that they have good reason to believe that a foreigner was the actual perpetrator of the murder, and that there is no reason to think that he was actuated by any political motives. Believing that they knew where the man was concealed, a police force had been sent out into the country in pursuit of him; but whether it has been successful in its search we do not know; but it seems that one of his accomplices has been recognised by a servant of the late Mr. Sulivan, and has been made prisoner. The Peruvian Government offered in the first instance a reward of 3,000 dollars for the apprehension of the murderer; that sum had since been increased to 10,000 dollars, and we have ourselves offered £300. The belief of the Peruvian Government is, that they will be able to arrest the assassin. I must say we have no fault to find with that Government on the subject, for they have done all that lies in their power to bring the man to justice.

BANKS OF IRELAND AND SCOTLAND.

LORD MONTEAGLE, in rising to move for Accounts showing the Circulation and Bullion of the Banks of Ireland and Scotland, said, that the object which he had in doing so was to obtain accurate information upon the subject of the bullion withdrawn from the Bank of England for the Scotch and Irish banks. It appears that the monetary pressure which had recently prevailed in England had been attributed by some persons to the system upon which the banks in Ireland and Scotland had been conducted. In dealing with this question, he would not say a word with regard to Scotch banking, as there were noble Lords present who were more familiar with that part of the subject than he could pretend to be. He would confine his observations to the management of the banking establishments in Ireland, although he was of opinion that whatever he might have to say respecting the law regulating those establishments might also, *mutatis mutandis*, be applied to banks in Scotland. Of the banks in Ireland he believed he might assert, without fear of contradiction, that to the manner in which they had been of late conducted, no part of the inconveniences which had arisen on this side of the water could with justice either directly or indirectly be attributed. It had, however, been stated, with some degree of truth, that to a limited extent a pressure had been produced upon the banks of this country in consequence of demands for gold made upon them from Ireland and Scotland. This could only have taken place so far as the Scotch and Irish banks were holders of Bank of England securities. He wished, however, to protest against the supposition that, so far at least as Ireland was concerned, such pressure had been the result of indiscreet trading or of injudicious banking operations. During the recent crisis, though their operations had been subjected to a severe test, arising out of the state of things here, and though some demand for gold had been the result,

there yet had not been an instance in Ireland of suspension of payment upon the part of even a single bank, or scarcely the suspension of payments of any commercial house. He was not, however, prepared to deny that the state of the law in respect to banking transactions between England and Ireland was such as to require alteration. When his noble Friend (the late Lord Spencer) introduced his Bill commonly called the Bank Charter Act of Lord Grey's Government, he introduced a clause which he very erroneously and very unscientifically described as a legal tender clause. That designation, unexplained, would seem to imply that Lord Spencer had sanctioned the principle that, without qualification or restriction, the Bank of England notes were to be made a legal tender. Such a step, however, would have been entirely contrary to the opinions uniformly entertained by Lord Spencer. What that nobleman did assume was, that a bank-note convertible on demand into gold was equivalent to gold so long as the convertibility was strictly and practically maintained, and was capable of legal enforcement. Upon that assumption, therefore, a clause was introduced making a Bank of England note a legal tender, but with one most material exception—it was in all cases except on the part of the Bank of England itself, which continued bound to pay in gold, if gold was demanded. Such was the strict limitation which Earl Spencer maintained, and their Lordships would observe that so long as the Bank of England were bound to pay their notes on demand in specie, and so long as that promise to pay was strictly performed, it could be no breach of faith or violation of principle that parties indebted should have an option of paying either in specie, or in notes, which, being convertible on demand, were equivalent to specie. But to show with what strictness Lord Spencer carried out that view, he introduced into the very clause in question a further limitation, reciting that these Bank of England notes should not serve as a legal tender except so long as the Bank paid its notes in coin. The instant there was an interruption in such specie payment the power of discharging public or private obligations by notes was to cease. The Bank of England note, if inconvertible by the Bank, forfeited its privilege. This had been the state of the law in relation to Bank of England notes throughout England and Wales from the passing of Lord Spencer's Act. But the clause of the Act was somewhat ambiguously worded. It did not appear from the language of the clause that its operation was to be confined within England and Wales, or whether, although the general enactments were so limited, that special clause did embrace Scotland and Ireland likewise. This question was subsequently raised. About the year 1837 a considerable failure occurred in Ireland—that of an establishment called the Agricultural and Commercial Bank—a bank exceedingly ill-managed, and which deserved to fall. He (Lord Monteagle) was then Chancellor of the Exchequer, and application was made to him, on the part of the Irish banking interest, respecting the applicability of the legal tender clause to banking transactions in Ireland. He took the opinion of the law officers of the Crown on the subject, and it was their opinion that the clause in question did not apply to Ireland. Although unable to give the relief asked for, arrangements were made by the Treasury of the day which gave currency to Bank of England paper by accepting it when paid for revenue in Ireland, and by so doing thus afforded very great relief to the existing pressure. So the law stood until the Government of Sir Robert Peel in 1845 (the year after the passing of the last Bank Charter Act) introduced two Bills for Ireland and Scotland, into the former of which a clause was inserted, reciting that doubts had been entertained with respect to the applicability to Ireland of the legal tender clause in the original Act, and declaring and enacting that Bank of England notes should not be received as a legal tender in that country. That was the state of the law at the present moment, and what was the consequence? Why, that at any time of general pressure, like that which had lately taken place, there must be imposed upon the central point from which all monetary transactions proceeded, an augmented pressure, and considerable sums of specie must inevitably be exported from England to meet the demands of Ireland and Scotland. It was the object of the papers for which he intended to move to exemplify the extent to which these transactions had in the present year been carried. Had the legal tender clause extended over the whole kingdom, the difficulties arising out of the Scotch and Irish

demand for gold might to some extent have been met by a transmission of convertible Bank of England paper in the place of specie. In that case we might have realized with respect to Ireland and Scotland the benefits extended to England by Earl Spencer's clause; and he was at a loss to know what earthly reason operated to require a different rule in Waterford and Glasgow from that which prevailed at Bristol and Liverpool. All the witnesses who had been examined before the Commons' Committee last year, seem to have recommended the extension of the legal tender clause to Scotland and Ireland. The only objection which could be raised was, that the legal tender clause in Ireland and Scotland would not produce the same benefits, owing to the existence there of a small note circulation. Now, he admitted that the effect of the law might not be exactly the same in these countries, but he could not understand how any one could doubt that it would, as far as it went, be productive there of good. It was a curious phenomenon that, throughout the late banking crisis, in the south of Ireland (he could speak of that district from his own experience, but he believed that what he was about to say would apply equally to the other parts of Ireland) there had not been the least pressure with respect to the note circulation. He was inclined to attribute this withdrawal of deposits to the losses sustained by the depositors with that most fraudulent establishment, Mr. John Sadleir's Tipperary Bank. The demand of the people was for their deposits, and it did not seem to matter whether these were paid in gold or in notes. There was another remedy suggested, namely, the abolition of the small note circulation; but into the merits of this proposal he would not now enter. The question was one too large to be discussed incidentally. For the present he would confine himself to moving for returns showing the circulation and bullion of the banks of Ireland and Scotland, in continuation of returns previously made on the same subject. The noble Lord then moved for a

"Return showing the authorized Issues of the Notes of the Private and Joint Stock Banks in England and Wales, and the actual Amount issued; also the authorized Issues of the Banks in Scotland and Ireland, the actual Amounts issued, and the Amounts of Bullion held by those Banks respectively, in each Week from the 9th May, 1857, up to the latest Period to which the Account can be made up (in continuation of Appendix No. 17 to the Commons Report on Bank Acts, No. 196, 1857)."

Lord STANLEY of ALDERLEY said, there was no objection to the production of the Returns for which the noble Lord had moved, as they were mere continuations of Returns which had been laid before the Bank Committee of last year. His noble Friend had dwelt with very just satisfaction upon the manner in which the commercial and banking transactions of Ireland had been maintained during the recent crisis. At the same time, considerable inconvenience was occasioned to the Bank of England by the great demand for gold which was made at a time of pressure, in order to enable the banks of Ireland and Scotland to meet their small note circulation; and undoubtedly that inconvenience would be obviated to a great extent by making Bank of England notes a legal tender in those countries. The objections to such a measure had, however, originated with the bankers of those countries, who were afraid that their own issues might be superseded by Bank of England notes. He agreed with his noble Friend that it was most desirable that the Government should seriously consider whether some alteration of the existing law in this respect might not be made.

Motion *agreed to.*

House adjourned at Six o'clock, 'till To-morrow, half-past Four o'clock.

HOUSE OF COMMONS,

Thursday, December 10, 1857.

Minutes.] New Member Sworn.—For Thetford, Alexander Hugh Baring, Esq.

Public Bills.—1° Oaths; Public Health Act (1848) Amendment.

2° Sir Henry Havelock's Annuity.

THE WESTMINSTER BELL—QUESTION.

Mr. BOWYER said, he would beg to ask the First Commissioner of Works, What is the result of the inquiry regarding the cracking of the great bell, and whether the founders are to pay the expense of the new bell; also, whether the new bell is to be warranted sound and durable by Messrs. Mears, the bell-founders?

Sir BENJAMIN HALL, in reply, said,

he had put himself in communication on this subject with Mr. Beckett Denison, who probably knew more about bells than any man in Europe; and he thought he could not do better than read the reply which Mr. Denison had kindly sent him. It was as follows :—

"42, Queen Anne Street, Dec. 9.

"My dear Sir,—The cause of the cracking of the great bell was correctly stated in *The Times* of the 19th of November.

"Through some mistake or accident, which the founders say they cannot account for, the waist (or thin part of the bell) was made one-eighth inch thicker than I designed it. The consequence was that it required a clapper of twelve cwt. instead of seven cwt. to bring the full sound out; and although the sound-bow or striking part of the bell bore this clapper for nearly a year, it gave way at last.

"If the bell had cracked when it was first tried with this clapper the founders would undoubtedly have had to recast it at their own expense, as they had engaged to make it according to my drawings, and in fact had refused (as you know) to undertake the job unless I would take the responsibility of designing all the bells. But as it seemed to be able to bear this large clapper, even when pulled by ten men, and was generally approved, Mr. Taylor and I did not feel justified in withholding our certificate on account of the deviation from the prescribed thickness, weight, and note; for the quarter-bells were not then made, and could as easily be adapted to the note E natural as to E flat, which I had intended the great bell to be. Moreover, we were quite satisfied of the soundness of the casting by various tests, and, therefore, Messrs. Warner were paid, and cannot now be fixed with the cost of recasting.

"It is right, however, to add that this recasting will not bring the whole cost of the bells above the original estimate, as it included a large margin for contingencies on account of the obvious risk of casting five such bells as these in tune with each other, the smallest of them being as heavy as the largest bell of an ordinary modern peal, and the largest fifteen times as heavy. There is no further risk now, as the quarter-bells are all cast, and only exceed my estimate of eight tons weight by twenty-nine pounds.

"The new bell is to be delivered sound by the 19th of February, and is not to be paid for until it has been tried by ringing with a seven cwt. clapper, nor unless it agrees with the prescribed dimensions, composition, and specific gravity. Nothing more can be done to secure its goodness and its durability.

"The best bells in the world, such as the old Great Tom of Lincoln, sometimes crack quite capriciously, while very bad ones, such as Great Tom of Oxford, sometimes obstinately last a great deal too long.

"The great bell of the Roman Catholic Cathedral at Montreal cracked in about a year after it was hung. So in that respect, we are no worse off than other people; and, luckily, our bell was not hung before it cracked.

"Yours truly,

"E. B. Denison.

"The Right Hon. Sir B. Hall, Bart., &c."

COMMON LAW COMMISSIONERS' REPORT.

QUESTION.

Mr. WARREN said, he wished to ask the Secretary of State for the Home Department, whether any steps have been taken by the Government to carry into effect any of the recommendations of the Common Law (Judicial Business) Commissioners, in their Report of the 31st of July last, particularly with reference to the proposed alterations in the existing circuits of the Judges; whether all or any of such recommendations are to be carried into effect by Act of Parliament, or by authority of the Executive Government, and in the former case, when the Bill for that purpose will be introduced, and in the latter, when an official announcement of the contemplated changes will be made?

Sir GEORGE GREY replied, that the Report of the Commissioners had been received, and that he had since addressed a letter to the Lord Chief Justice of the Court of Queen's Bench, who was at the head of the Commission, stating the views which Her Majesty's Government entertained upon the subject. Under these circumstances, perhaps, the best course would be to lay that letter before the House, and if the hon. and learned Gentleman moved for it it would be produced. He might, however, take that opportunity of stating that some of the alterations suggested could only be made by Act of Parliament, and with regard to these a Bill was in preparation.

BANK ACT—MERCANTILE DISTRESS.

QUESTION.

The CHANCELLOR of the EXCHEQUER: Sir, I beg to give notice that, in the event of the House acceding to the Motion for the appointment of a Committee of which I have given notice for to-morrow night, I shall move that—

"It be an instruction to the Committee to inquire into the causes of the recent mercantile distress, and also to inquire how far it has been affected by the laws regulating that Bank Notes shall be payable on demand."

Mr. DISRAELI: I wish, Sir, to give notice of the Amendment which it is my intention to move to-morrow to the Motion of which the Chancellor of the Exchequer gave notice a few nights ago. What I propose is to move as an Amendment to the Motion of the Chancellor of the Exchequer :—

"That in the opinion of this House no further

inquiry is necessary into the operation of the Bank Act of 1844, 7 & 8 *Vict.*, c. 32."

The words I have used, I beg to say, are those used as an instruction to the Committee of last Session.

ELECTION PETITIONS—QUESTION.

MR. STEUART said, he wished to ask the Secretary of State for the Home Department, Whether Her Majesty's Government have had under their consideration the Law regarding the Procedure on Election Petitions, and will be prepared either to introduce a measure after the recess, or to agree to the appointment of a Select Committee to inquire into the whole subject?

SIR GEORGE GREY said, that, in the course of the discussions upon the subject during the last Session he had expressed an opinion that it was very desirable that any new legislation upon the law regulating the trial and withdrawal of election petitions should be preceded by a careful inquiry into the existing practice. He therefore thought it expedient that a Committee should be appointed during the present Session to conduct this investigation.

PROBATE COURT (IRELAND)—QUESTION.

MR. HATCHELL (in the absence of Mr. DEASY) said, he would beg to inquire of the Attorney General for Ireland, when it is intended to bring into operation the Act of last Session relative to Probates and Letters of Administration in Ireland; and also whether it is intended to provide for the sitting of the new Court of Probate in the immediate vicinity of the Four Courts?

MR. J. D. FITZGERALD said, the Act alluded to by the hon. Gentleman would come into operation on the 11th of January next. It was intended to provide for the sitting of the new Court in the vicinity of the Four Courts, and temporary accommodation would be found so as to meet the public wishes in that respect.

SAVINGS BANKS—QUESTION.

MR. COLLINS said, he begged to ask the Chancellor of the Exchequer, if Her Majesty's Government intended to bring in a Bill with reference to savings banks, or to appoint a Select Committee to consider the whole subject, including the appropriation of savings-bank securities for purposes other than those required for answering the drafts of the trustees of such institutions?

THE CHANCELLOR OF THE EXCHEQUER: Sir, in reply to the question of the hon. Member, I beg to say that it is not my intention to ask leave this Session to bring in a Bill upon the subject of savings banks, but it is my intention, unless I find the House should offer any objection to that course, to move after the holidays, that the whole question of savings banks, — including the appropriation of savings-banks securities, adverted to by the hon. Member—shall be referred to a Select Committee. I will therefore take an opportunity of moving that the law relating to savings banks be referred to a Select Committee.

REFORMATORY SCHOOLS—QUESTION.

MR. GARNETT wished to ask the Vice President of the Board of Education, Whether it is the intention of the Lords of the Committee of Council on Education to cancel the Minute dated the 2nd day of June, 1856, so far as it relates to Reformatory Schools, certified by the Secretary of State under the Act 17 & 18 *Vict.*, c. 86; and if so, whether it is intended that the 7*s.* per week at present allowed by the Home Office for the care and maintenance of each inmate detained under sentence in any such Reformatory School shall be the only public money granted for such purpose?

MR. COWPER said, that the time appeared to have now arrived when Reformatory Schools ought to be placed on a more permanent footing. The Home Office had now appointed a special inspector for Reformatory Schools, and it was desirable that the Votes to these schools should be distributed through a single department, instead of two. Reformatory Schools were now able to obtain important aid from borough and county rates, and it had become necessary that the Minute of June 2, 1856, should be greatly altered and modified. For some months past no new Reformatory Schools had received the grants of the Committee of Council on Education, and notice had been given that after a limited period to be named the existing reformatories would cease to receive these grants altogether.

STATE OF THE THAMES—QUESTION.

Mr. ADDERLEY said, he wished to ask the First Commissioner of Works, Whether any Report has been made by Mr. Gurney in reply to the reference which he promised to make to him on the subject of the state of the Thames opposite the Houses of Parliament; and, if such a Report has been made, whether he will lay it on the table of the House?

Sir BENJAMIN HALL: Sir, Mr. Gurney presented a Report to me a day or two ago, and if the hon. Gentleman desires that it should be laid on the table I have no objection.

TELEGRAMS FROM INDIA—QURSTION.

Mr. LYGON said, he would beg to ask the President of the Board of Control, on whom rests the responsibility of providing that the intelligence transmitted by electric telegraph to this country from the East Indies shall represent as accurately as possible the detailed information conveyed by the mails?

Mr. VERNON SMITH said, that when the telegrams were first sent from India, some confusion arose in transmitting the intelligence. Orders had, however, been sent to the Secretaries of the Government in India to transmit official telegrams, which had been very diligently compiled and carefully selected. In the messages sent by the Consular Agents there had been occasional mistakes in Indian names, but great care was now taken in this respect; and, on the whole, he thought the duty was performed very satisfactorily.

TROOPS FOR INDIA—QUESTION.

Sir JOHN PAKINGTON said, he would beg to ask the First Lord of the Treasury, Whether it is true that Lord Elphinstone telegraphed to Lord Canning that he had steam-vessels at Bombay which he could send, if desired, to Suez, to facilitate the conveyance of troops overland to India?

Mr. VERNON SMITH: We have no information, Sir, of such a telegram having been transmitted by Lord Elphinstone to Lord Canning. I do not think it very likely that Lord Elphinstone would send such a message, as I have a private letter from him, in which he speaks of the difficulty of providing transports, all the transport he could furnish having been required for the Persian war, and being then in the Persian Gulf. He also speaks of the danger of navigating the Red Sea at that particular season. It is not very likely, I apprehend, that Lord Elphinstone would propose to do what he said in his letter to me was not only difficult, but almost impossible. I cannot, however, say that such a message was not sent.

THE CLIVE FUND—QUESTION.

Sir JOHN PAKINGTON said, he would now beg to ask the President of the Board of Control, What is the present state of a fund of £70,000 created by a donation of Lord Clive in 1765, who paid a legacy which he received to that amount into the East India Company's Treasury at Fort William, to be at interest for the support of European officers and soldiers who might be disabled or decayed in the Company's Service in Bengal, and for the widows of officers and soldiers who might die on service there?

Mr. VERNON SMITH said, that he wrote yesterday to the Accountant of the East India House to furnish him with a detailed account in figures relative to the Clive Fund. It had not, however, arrived when he came down to the House. As to the state of the fund, the best answer he could give was to refer the right hon. Gentleman to the evidence of Sir James Melvill before a Committee of the House, in which he stated that the Clive Fund had been superseded as to European officers by the grant of retired half-pay by the Company to a greater amount than was provided by the fund. Both the principal and interest of the fund had long been exhausted, and the pensions were now supplied by the Company.

TROOPS FOR INDIA—QUESTION.

Mr. ADDERLEY said, he wished to ask the Secretary of State for the Colonies, Whether any more regiments than the 95th, 89th, and 13th had been sent from the Cape to India; whether the 95th was not under orders for New Zealand, and the 89th relieving them; whether the two regiments so deducted from the forces at the Cape are all the set off against the addition of the German Legion on full pay, equal to four regiments in strength; and whether the total result of an increase of forces at the Cape by two regiments is wholly at the expense of this country?

MR. LABOUCHERE: Sir, I propose to-morrow to lay upon the table a paper which will give the House full information with regard to the conduct of the Governors of Colonies in the vicinity of India when they received direct intelligence of the recent revolt. I refer to the Governors of Ceylon, the Mauritius, and the Cape of Good Hope. With regard to the Governor of Ceylon, I may state that Sir Henry Ward, having received a despatch from the Governor General of India, stating that he should be glad to have every soldier he could spare, did send to India almost every European soldier in the Colony, and thereby afforded most effectual assistance to the Governor General. Lord Elphinstone sent an officer in a vessel to the Mauritius, and thence to the Cape of Good Hope, to ask for succours. The Governor of the Mauritius sent one regiment and a company of Artillery, which, considering the state of that Colony, must, I think, have included every soldier he could possibly spare for the assistance of India. With regard to the Cape of Good Hope, Sir George Grey, the Governor, sent three regiments at once to India; two only of those regiments belonged to the Cape establishment, the other was on its way to New Zealand, but Sir George Grey very properly took upon himself the responsibility of diverting it; and I can assure the hon. Gentleman that he is mistaken if he supposes that Sir George Grey's efforts to send succour to India were limited to those I have described. Besides the troops I have mentioned, at the same time Sir George Grey sent two companies of Artillery, and knowing that there was a great want of specie at Calcutta he remitted £60,000 from the colonial chest, trusting to the public spirit of the Colonists to bear him harmless. This sum was most gratefully received by the Government of India. The hon. Gentleman also asks if the Governor of the Cape has since sent further succours to India. I have this morning received a letter from Sir George Grey, in which he states that he has sent another regiment, the 80th, to Ceylon. Whether the whole will remain at Ceylon or any part go on to Calcutta I am not aware; but at any rate he has sent that regiment practically for the service of India. With regard to another most important mode of rendering assistance, Sir George Grey, with his usual promptitude and energy, anticipating orders which I had sent (that he should immediately supply 1,000 horses for the same service), had begun at once, and I find by the letter received this day, had either prepared for embarkation, or already caused to be embarked, 1,000 horses, of which 500 or 600 were taken from corps on service, and therefore already trained. In fact the number of horses sent by Sir George Grey from the Cape before receiving any orders from home seems only to have been limited by the amount of forage which could be obtained to send with them. While mentioning this I cannot forbear alluding to the manner in which the Colonists of the Cape have come forward to support the Government on this occasion. Sir George Grey writes that, in order to enable him to send more troops, the inhabitants of Cape Town volunteered to do garrison duty in that Colony when it was more than usually onerous, because the town was full of Kafir prisoners. Assuming that the hon. Gentleman (Mr. Adderley) means to infer that, considering the large number of troops at the Cape, more succours can be sent to India, it only remains for me to say that what Sir George Grey has hitherto done has been without any precise instructions, and that some months ago, by command of the Government, I sent instructions to him to despatch six regiments to India, unless some very novel and unexpected circumstances should arise in the Colony making it necessary to retain a larger force. I have every reason to believe that Sir George Grey will act upon these instructions. I have the utmost confidence in the promptitude, spirit, energy, and discretion of Sir George Grey, and I am perfectly satisfied he will render to the army in India every assistance in his power. As an instance of zeal on the part of the Cape Colonists, I may state that Sir George Grey and the leading men gave up their own private horses, and the inhabitants generally sold their horses at the usual prices, not allowing them to be affected by this increased demand. I believe I may say that the Cape Colonists have, in every possible manner, co-operated with the public authorities in assisting the service of the country towards quelling the Indian rebellion.

MILITARY AUDITOR—QUESTION.

General CODRINGTON said, he wished to ask the Under Secretary for War, Whether in the office lately established—namely, that of "Military Auditor," attached to the troops in China—any separate authority is given independent of, and with financial control over, the general officer in command of the troops; whether the expenditure required on active service in the field must not necessarily, as heretofore, be decided on the sole responsibility of the general officer; whether those persons employed in the office of military auditor with the troops in China are amenable to, or independent of, the provisions of the Mutiny Act?

Sir JOHN RAMSDEN said, he could assure his hon. and gallant Friend that the appointment of the military auditor attached to the troops in China would not in any way interfere with the authority of the general in command of the forces. The duties of a military auditor were to audit accounts, to settle claims, and to be a referee on all points of financial regulation in the army; and it was expected that, by his assistance, references home of minor points would be avoided. In the instructions to the military auditor it was particularly stated that he would exercise his functions subject to the directions and instructions of the general commanding the forces; but perhaps it would be more satisfactory if he were to lay a copy of those instructions on the table, which he should ask leave to do on that evening. With regard to the question whether the persons employed in the office of military auditor would be amenable to the provisions of the Mutiny Act, his answer was, that all persons connected with the War Department, when employed under the command of a general officer in the field, were, by the second clause of the Mutiny Act, brought under the provisions of that Act.

THE FRIENDLY OFFERS OF FOREIGN POWERS—QUESTION.

Sir JOHN PAKINGTON: Sir, I will now ask the First Lord of the Treasury the questions of which I have given notice:—Whether it is true that Lord Stratford de Redcliffe telegraphed to Her Majesty's Government that he had obtained a firman from the Sultan for the passage of troops through Egypt to India, and, if so, what was the date of that communication? Perhaps the noble Lord will allow me to ask another question, of which I have not given him notice. It is, Whether it is within his knowledge that, by the joint influence of Lord Stratford de Redcliffe and M. Thouvenel, the French Ambassador, a firman was actually obtained from the Porte for the passage of French troops to Pondicherry through Egypt? I will also ask, What was the date of the friendly offer made to Her Majesty's Government by the Emperor of the French to permit British troops to pass through France on their way to India?

Viscount PALMERSTON: Sir, I will first answer the second question of the right hon. Baronet, with respect to the application said to have been made by the British and French Ambassadors for the passage of French troops to Pondicherry. We have no knowledge of any such application, and I do not believe that French troops did go across Egypt. With regard to the first question, Lord Stratford de Redcliffe on the 30th of June informed Her Majesty's Government by telegraph that he would apply to the Turkish Government to allow troops to pass through Egypt on their way to India if the British Government thought it advisable that that course should be pursued. On the 2nd of July he was informed that it was not the intention of Her Majesty's Government at that time to send any troops to India through Egypt; and perhaps I may be allowed to state shortly the reasons. To send a large body of troops, as was then intended to be sent, through Egypt, would have required complicated arrangements, and taken up infinitely more time than would have been saved. If for instance, we sent 5,000 men to Alexandria for the purpose of going through Egypt, there would be great difficulty in transporting so large a number of troops across the Desert. When they arrived at Suez, unless there were ample shipping to take them down the Red Sea, there would be a great delay at a place where there would be no possible means of putting them under proper cover. They would also be exposed to very severe heat in the passage down the Red Sea, which might render them unfit for service when they arrived in India. Moreover, as they would have required a very large amount of shipping to be ready at Suez, it would have been quite unpardonable in the

Government to have sent them there until they knew that there were sufficient transports for their accommodation at Suez. It would also have been necessary to send them through Egypt in light marching order; whereas, sending them by sea, we were able to send them with baggage, stores of all kinds, and guns. They would arrive in good health, and when landed, would be perfectly ready for any service that might be required of them. There was another collateral reason, which, upon a balance of equal advantages, would be calculated to turn the scale. In a national point of view it was of importance in putting down the mutiny that we should do it with our own means in every respect, and that it should not be competent for any foreign nation to say, that if it had not been for certain facilities afforded us by friendly Powers, which might have been withheld, we should not have been able to accomplish our purpose. I do not mean to say that if there had been a great difference in point of advantage in favour of one route over the other such a reason ought to prevail, but when the balance was against the overland passage that consideration was entitled to be taken into account. On the 2nd of October, when the season had moderated, when the great bulk of the troops had been sent, and the Government had occasion to send smaller detachments, the passage of which was more easy, Lord Stratford de Redcliffe was desired to ask the formal permission of the Porte and the Pasha of Egypt. He did so; the permission was obtained, and in the first place two companies of infantry were sent across Egypt to reinforce the garrison at Aden. Some artillery and engineers have been sent to Calcutta and Bombay since, and from that time we have been sending detachments of regiments, which are now on their way by that route. The right hon. Gentleman also asks what was the time when the French Government made their offer of a passage for our troops through France. That was on the 5th of October, and at that time the bulk of the troops had gone. Although the offer did great credit to the friendly disposition of the French Government, and we are very grateful to them for it, we thought that the difficulties of a land passage, and of landing and reshipping the troops with their arms and baggage, rendered it better that they should go round at once by Gibraltar than pass through France.

COMMERCE OF THE BLACK SEA.

QUESTION.

MR. WISE said, he would beg to ask the First Lord of the Treasury, Whether the regulations for admission into the Russian ports of the Black Sea have been framed in a spirit favourable to the development of commercial transactions, and to what ports in the Black Sea English Consuls have been sent by Her Majesty's Government?

VISCOUNT PALMERSTON: Sir, I cannot say that the arrangements which have been made by the Russian Government for promoting commercial intercourse on the eastern coast of the Black Sea, as at present framed, are in accordance with the letter or the spirit of the Treaty of Paris. We are told, however, that those arrangements are only temporary, and that, when the Russian Government have established custom-houses in the various ports, they will proceed to open them for commercial intercourse. At present there are but three ports, Souchum-Kaleh and two others, to which we could send Consuls.

MR. WISE said, that if the noble Lord would name the ports to which Consuls had been sent the information would be very grateful to the British merchants interested in that trade, who were at present in entire ignorance on the matter.

VISCOUNT PALMERSTON: Their ignorance is not at all inexcusable, seeing that no Consuls have been sent. My noble Friend at the head of the Foreign Office has been waiting to get information, which has only recently reached him, in order to enable him to determine which are the ports to which it would be advisable to send Consuls. I believe my noble Friend has pretty well made up his mind, but until the appointments are made I cannot state the ports to which the Consuls will be sent.

THE STADE DUES—QUESTION.

MR. FENWICK said, he would beg to ask the First Lord of the Treasury, Whether Her Majesty's Government have been in negotiation with the Government of Hanover, with a view to the extinction of the Stade Dues; and if so, what progress has been made in the negotiation; and whether any assurance

can now be given of an early and satisfactory settlement of the question?

Viscount PALMERSTON: The Stade Dues are of the same nature as the Sound Dues, and, though it would no doubt be very desirable to get rid of them, that can only be done by negotiations, not with Hanover alone, but in concert with many other Governments interested in the matter. We have had communications for the purpose, but they have not yet come to such a point as to enable me to say that there is an immediate prospect of getting rid of the dues. Being of the same nature as the Sound Dues, of course they can only be got rid of in the same way—by compensation.

MARKETS AND FAIRS IN IRELAND.

QUESTION.

Lord FRANCIS CONYNGHAM said, he wished to ask the Chief Secretary for Ireland, Whether it is the intention of Her Majesty's Government to introduce a measure for the regulation of the Fairs and Markets in Ireland?

Mr. H. A. HERBERT said, it was the intention of the Government to introduce a measure this Session for the regulation of Markets and Fairs in Ireland.

THE BRITISH ENGINEERS AT NAPLES.

QUESTION.

Lord JOHN RUSSELL said, he wished to ask, Whether the noble Lord at the head of the Government had looked at the letter of the British Vice Consul at Naples in reference to the treatment of the two engineers in prison there, and whether he will lay it on the table?

Viscount PALMERSTON: The letter has already been laid on the table.

OATHS—JEWISH DISABILITIES.

COMMITTEE—BILL ORDERED.

Oaths *considered* in Committee.

(In the Committee.)

Lord JOHN RUSSELL: I am glad to be able to assure the Committee that I shall not have occasion to detain it for any length of time, as this subject has been so frequently under discussion, and the House of Commons has recently heard a very able statement on it from my noble Friend at the head of the Government when introducing his Bill of last Session. The Committee is well aware that the general principle of our legislation is not to disqualify any man for legislative functions or for the possession of office on account of religious opinions. That principle has been established both with regard to Protestant Dissenters and Roman Catholics, although in former times there were political objections, which operated against its application to those two classes, but which do not apply to the Jews. The Committee is also aware that there is no positive enactment affecting Her Majesty's Jewish subjects, that their exclusion is only owing to the construction put upon the Oath of Abjuration, and that that oath was not originally intended for that purpose; still by the effect which has been given to it the persons refusing the Oath of Abjuration, namely, 40,000 of Her Majesty's Jewish subjects, are treated in the same way as 40,000 Popish recusants—an instance of the absurdity of considering them to have been originally contemplated in the framing of the oath. I shall not touch upon the general reasons for religious freedom. Those reasons, as I have said before, stand recorded in the Statute-book; nor shall I go into the reasons for altering the present oath, which upon the face of it is exceedingly absurd, and pledges Members of this House not to support the claims to the Throne of persons who have no existence. I will, therefore, state at once what is the nature of the Bill which I propose to introduce. The Bill of last year contained a simple form of oath, not similar to the one which I introduced in 1848—which could be taken by all Members of this House—but an oath which could be taken by all persons who were not of the Roman Catholic persuasion. That is the oath which I propose to introduce on the present occasion, but I propose to add to the words of that oath the closing words of the present Oath of Abjuration—"This I declare on the true faith of a Christian." The reason why I propose to introduce those words is, that, having been long in use, they have got a sort of prescriptive value in the eyes of many, and also that one of the most eminent supporters of Jewish claims, the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), has more than once expressed his opinion that those words should be retained in the oath. I propose, of course

by a subsequent clause, that whenever one of Her Majesty's Jewish subjects comes to take the oath those words shall be omitted. It follows, of course, in a more logical way than from the Bill which my noble Friend introduced last Session, that Jews will be disabled from holding certain offices which cannot be held by Roman Catholics. I do not propose to put Jews in a superior position to Roman Catholics, but to admit them to the enjoyment of the same privileges. There is another question upon which I cannot refrain from touching for a few moments, because I am sure that the subject will naturally present itself to the minds of hon. Members. It so happened that in 1847, after the debate which took place upon the suspension of the Bank Charter Act, on the 16th of December, I introduced this Bill, or at least a similar Bill on this subject. That Bill and other Bills for the same purpose have been rejected by the other House of Parliament, and I think the question may be fairly asked what prospect is there of this Bill being more favourably received by the other House than its predecessors? To that question I should answer, in the first place, that I have drawn the Bill in the most conciliatory form possible; that this House has at all times —except once, when I proposed to extend the oath to Roman Catholics— affirmed the principle of religious liberty; that last year the majority of this House was far greater than it had been before; and that in the whole course of our history, repeated decisions of this House, when ratified by considerable majorities, with respect to any matter of internal policy, have always had great weight with the other House. But, Sir, I do not wish to c nceal from the House my intentions upon this subject. At the end of last Session I was informed that the hon. and learned Attorney General was of opinion that the Act 5 & 6 *Will.* IV. entitled this House to frame a declaration to be taken in place of the oath if it should so think fit. On hearing that opinion from so eminent and distinguished an authority as the Attorney General, I thought it right to have the question examined by a Select Committee of this House. The House consented to the nomination of that Committee, and in it the question was very fully debated. No witnesses were examined, but the subject was debated and thoroughly sifted by hon. Gentlemen belonging to the legal profession, and by other Members of the Committee with much ability and in great detail. The result of the discussion was unfavourable to the position of the Attorney General, but at the same time the majority against that position was a very narrow one, consisting of one only of the original Members of the Committee, and of two of the gentlemen of the long robe who had been added to it. The right hon. Baronet the Member for Droitwich (Sir John Pakington) had prepared a Motion, which he wished to propose, but which, owing to the form observed in Committees, could not then be proposed. I do not remember the exact terms of his Motion, but it was to the effect that the Houses of Parliament were included in the Act of William IV.; but that it was not expedient to use the power conferred by that Act unless it should appear that there was no other constitutional mode by which the object in view might be accomplished. It was not my duty, being Chairman of that Committee, to express any opinion, or to take any part in its discussions; but certainly, if I had been called upon to give an opinion, it would have exactly coincided with that of the right hon. Baronet the Member for Droitwich. Such being my opinion, it is unnecessary now to enter into the argument on the subject. I will only say that that argument was stated with almost more than his usual learning and ability by the Attorney General, and that the Motion which he made, "that the words included the Houses of Parliament," met with the concurrence not only of the right hon. Member for Droitwich (Sir John Pakington), but also of the right hon. Member for Buckinghamshire (Mr. Disraeli), the noble Lord the Member for Lynn (Lord Stanley), the Lord Advocate of Scotland, and many other distinguished Members of this House. It was likewise supported in a speech of great ability and acuteness by the hon. and learned Member for Boston (Mr. Adams). Fortified by those opinions, and convinced by the arguments which were used, I should not think it right to allow this question to drop altogether without giving the House an opportunity of considering whether or not they will adopt the proposition of a declaration instead of an oath to be taken by Mem-

bers who may object to certain words in that oath. Of course that is a question which requires to be maturely considered, and the House must be allowed time to consider it; but I must confess that my opinion is, that we have been perhaps somewhat negligent in allowing the subject of the seat of a Member of this House to be discussed, as it has been, in the courts of law. My belief is, that it is a question, which, by the constitution of the country, the courts below are hardly competent to decide; and, as it would be impossible for them to entertain the question whether a Member who was elected to this House had been duly elected, so likewise it is not competent for them to decide whether the oaths have been properly taken. Such was the principle on which the House of Lords acted in the case of Lord Wensleydale. Some persons may think that they were right in the decision at which they arrived; others may think that they were wrong; but nobody has disputed the competency of the House of Lords to act as they did—nobody has denied that they were perfectly able, after Her Majesty had by letters patent created a Peer, to decide whether that Peer had a right to take his seat in the House of Lords. In like manner I believe that we are fully competent to decide whether a Member who has taken the oath or the declaration, as the case may be, is eligible to sit in this House. That, however, is not the question at present. My object is to bring in a Bill, and to endeavour to obtain for it the assent of the whole Legislature; but at the same time I shall not be prepared to abandon the rights of the House of Commons, as they have been ably stated by very high legal authorities, believing them to be in conformity with the liberty of the subject and with the privileges of this House. Sir, I beg to move—

"That the Chairman be directed to move the House, That leave be given to bring in a Bill to substitute one Oath for the Oaths of Allegiance, Supremacy, and Abjuration; and for the Relief of Her Majesty's Subjects professing the Jewish Religion."

Sir FREDERIC THESIGER said, he believed that the noble Lord who had just addressed the Committee understood that it had been arranged that there should be no opposition offered to the introduction of his Bill, or to its being read a first time, the noble Lord, on his part, having engaged that he would not ask for a second reading until after Christmas; and he (Sir Frederic Thesiger) must suggest to his hon. Friends who agreed with him on this subject, that, considering the various shapes in which Bills had been from time to time introduced for the admission of Jews into Parliament, it was very desirable that they should have an opportunity of seeing what was the particular measure which was now proposed, in order that they might be enabled the more satisfactorily to discuss it after the recess. He could not help congratulating the noble Lord opposite on having resumed his natural position on this question. In 1847, when the noble Lord was first returned for the City of London with Baron Rothschild, and when he gave a pledge from the hustings that he would introduce a measure for the relief of the Jews, the subject seemed to belong as of right to him; but on the last two occasions on which the question had been submitted to the House the noble Lord had been rather placed in the background. In 1856, owing, possibly, to the young and zealous advocates for the admission of the Jews being somewhat dissatisfied with the slowness of the movements of the noble Lord, Mr. Milner Gibson forestalled the noble Lord in the introduction of a measure, and such was the exuberance of that hon. Gentleman's zeal that he proceeded to the extremity of endeavouring to get rid altogether of the Oath of Abjuration. The duty of the noble Lord upon that occasion was limited to correcting the zeal of his associate, and, desiring to retain portions of the Oath of Abjuration, he introduced an Amendment in Committee by which a new Oath of Abjuration was to have been substituted. During the last Session the noble Lord fought under the banners of the noble Lord at the head of the Government. He (Sir Frederic Thesiger) believed that that course was adopted more from policy than from humility, because the noble Lord was thus enabled to move the whole machine of the Government, and to exert all its weight and influence in support of his darling object. The noble Lord had now appeared again in the front of the battle, and he was happy to find that he was once more treading in constitutional paths, though not without some little glances at those indirect and crook-

ed ways which had been occasionally attempted for the purpose of forcing the Jews on Parliament. The noble Lord did not now, indeed, threaten them with a Resolution which should seat the Jews in defiance of the House of Lords; but he had adverted to that which was one of the most extraordinary circumstances that had occurred among the variety of schemes which had been from time to time proposed for that purpose; and it appeared that he clung to the power which he presumed that the Act of William IV. would give him, and imagined that he should be enabled by its means to force the Jew upon the Legislature in defiance of the courts of law. He (Sir Frederic Thesiger) must confess that few things had struck him as more extraordinary than the discovery which was all at once made of that Act of Parliament, which, although it had been overlooked for many years, was supposed to afford a short cut to the object which so many persons had at heart. The suggestion altogether appeared to him so strange that, though every one admitted the great talent of the noble Lord and his remarkable fertility of contrivance, he immediately came to the conclusion that an idea so ingenious must have first suggested itself to some more acute and subtle mind, even than that of the noble Lord. The noble Lord had now satisfied them upon that point, and had told them that it was his hon. and learned Friend the Attorney General to whom it had first occurred that that Act of Parliament, which had so long escaped the vigilance of every one, would, in default of legislation, attain the object which he had in view. He could imagine the pleasure with which this new light flashed upon his eyes, and the joyful haste with which he hurried to the noble Lord with his Eureka—he (Sir Frederic Thesiger) hoped not exactly in the state of the person from whom that exclamation first proceeded. It was said that it very much enhanced the merits of an inventor or discoverer if the subject of discovery had been lying for a long time, as it were, upon the surface, unperceived, although in sight of the world, until the happy moment when the discoverer stooped on the ground and picked it up. But what should they say of the merits of the hon. and learned Gentleman, who, while gentlemen of ingenious and anxious minds, who had had their thoughts turned continually in this direction, had entirely overlooked this wonder-working Act of Parliament, lighted upon it and in a moment discovered that which had escaped the attention of so many others? The noble Lord had said that it might be necessary to revert to that Act of Parliament upon some future occasion if he should not succeed in a constitutional manner in obtaining the admission of the Jew to Parliament; but he thought that the noble Lord would pause before he adopted a course which would be accompanied with so much danger, with the certainty of a collision with the courts of justice, in which it was, undoubtedly, not very likely that that House would come out of the contest with any credit to itself. The noble Lord had supposed that he found a precedent for the application of this Act of Parliament without the possibility of interference by the courts of law in consequence of what occurred in the House of Peers with regard to the life peerage of Lord Wensleydale; but he (Sir F. Thesiger) was quite sure that the noble Lord had not adverted to the distinction between the two cases—namely, that the oaths which were required to be taken by Members of the Legislature were oaths which were imposed by an Act of Parliament, and that there were penalties attached to persons who might sit and vote without taking those oaths. Now, if the words "upon the true faith of a Christian" were an essential and substantial part of the oath, as had been frequently decided, not merely by courts of law, but by the determination of the noble Lord himself, then the question whether a person sitting and voting in that House, having taken the oath with the omission of these words, was not liable to a penalty, must necessarily come before the courts. They all knew how the courts must decide that question. The noble Lord had adverted to the names of the Gentlemen who composed the Committee, perhaps rather invidiously. He brought forward on the part of the minority a number of very distinguished names, for all of which he (Sir F. Thesiger) had the very highest respect. But at the same time it was very important that the Committee should bear this in mind—he had looked very carefully through the division list of that Committee, and he found on the part of that minority not one single name

of any hon. Member who had not either for a very considerable time been favourable to the admission of Jews, or who had not been recently converted, converts being proverbially not the most lukewarm in supporting their new opinions. But turning to the other side, he did not hesitate to say that he should not be afraid to poll lawyer for lawyer against the noble Lord. Again he also found this remarkable distinction existing between the majority and the minority—that among the majority were to be found at least five Members of the House who had been in favour of the admission of the Jews, but who, not being satisfied that the construction which he had no doubt the hon. and learned Attorney General had, with the greatest possible ingenuity, endeavoured to put upon this Act of Parliament was the correct one, would not allow their wishes to influence their opinions, and gave their votes, which swelled the majority, and saved the House, for a time at least, from all those perilous consequences which he (Sir Frederic Thesiger) anticipated from the course which the noble Lord had darkly shadowed forth. Let the House consider the position in which it stood with regard to this question. The noble Lord spoke of religious liberty in general, and of religious liberty as far as the Jews were concerned, and upon a former occasion he had spoken of removing the last remnant of religious intolerance, or of placing the last stone upon the edifice of religious liberty. But, if he understood the proposition of the noble Lord, he was not upon the present occasion prepared to place the last stone upon the edifice of religious liberty. What the noble Lord now proposed to do was merely to crown that edifice by a stone in favour of the Jew, leaving every other anti-Christian still excluded by the oath which will be required. Now he did not know why, if the principle of the noble Lord was the removal of all religious intolerance and the completion of the edifice of religious liberty, this tolerance should not extend to the Hindoo and the Mahomedan. [*Cheers.*] He heard a cheer which he understood to be a cheer of approbation of the principle that every denomination of anti-Christian should be admitted to a seat in that House. To be sure, considering the circumstances that were occurring around us—the feeling of hostility which was manifested against Christianity by the Hindoo and the Mahomedan, it did appear to him that the man who could entertain an idea of that kind must have extraordinary notions. Of course, with regard to the Jew, he (Sir F. Thesiger) knew perfectly well that whatever might be, nay must be, his hatred to Christianity, he was not likely to rage so furiously as the heathen, or to be guilty of the savage ferocity of the Mahomedan; but if his feelings of hostility were as deep as theirs, was it a desirable thing to give him the power, by means of a seat in the Legislature of the country, of working in close design, by fraud or guile, what by force he cannot effect? Nor would religious tolerance stop at the point to which those in favour of the admission of the Hindoo and the Mahomedan would carry it. Their edifice of religious liberty would not be completed by the admission of the Hindoo and the Mohamedan as well as the Jew. Suppose the Atheist, the fool who says in his heart, "There is no God," were to come and say, "Why do you compel me by your oaths to profess with my lips the existence of Him whom in my heart I deny?" would not he have reason to complain of your religious intolerance if you did not get rid of the oaths to accommodate what he calls his conscience? Well, then, the first step in that direction is taken by the noble Lord. But the edifice of religious liberty is not uniform. Many more stones are wanted to complete it, and when once the principle for which the noble Lord contends by this Bill is admitted, it is impossible that we can stop short. We must proceed to the end. We must sweep away all religious and even all irreligious distinctions, and admit every one without scruple and without hesitation to a seat in that House. It seems, as the noble Lord must have observed, that there were those who were anxious for that consummation. The noble Lord, by the course he was adopting, would advance their views; and he (Sir F. Thesiger) most earnestly entreated him to pause and consider what the consequences would be, which his great name and his high position in that House would have produced by the introduction of that which was treated only as a partial measure and an instalment of that which was due to the sub-

ject. He felt strongly upon this question, and regretted that he had trespassed so long upon the attention of the House. He might be still charged with being blind to those arguments which had been so frequently urged in the course of these discussions; he might be still bigoted and unyielding to them from a feeling of religious intolerance; but he was nevertheless resolute in maintaining the position to which he had always adhered, and in every stage of this Bill he would to the utmost of his ability resist the proposition which the noble Lord sought to introduce, because he believed that by giving a seat to the Jew in the Legislature of this country they would give a fatal blow to Christianity, which was intimately interwoven with every department of the State.

Mr. DILLWYN said, that as he had taken some part, perhaps the Committee would allow him to say a few words on the question. He was anxious to see the matter settled, and he had taken up the question, not on the ground of civil or religious liberty, but because he believed that whenever a considerable constituency had elected a person properly qualified to represent them in the Legislature, effect ought to be given to their choice. This he thought the House had power to do by Resolution; and for this reason he had endeavoured—not by any crooked course, as was intimated by the hon. and learned Gentleman (Sir Frederic Thesiger), but in an open and straightforward manner—to induce the House to proceed under the Act of the 1 & 2 *Vict.*, and omit the words which at present formed the impediment to a Jew taking his seat. He had, however, given place to the noble Lord the Member for London, who was so well entitled to take the lead on this question. Another Act bearing on this subject was the 4 & 5 *Will.* IV., by which a declaration could be substituted for an oath; but by whichever of these two Acts they proceeded, they must not allow the question to go up upon appeal to the House of Lords, which was not competent to decide upon the privileges of the Commons. It was true the Committee, by a small majority, negatived the views of the hon. and learned Attorney General; but, as a number of the Members did not attend to hear that hon. and learned Gentleman's arguments, their decision was not deserving of as much weight as might otherwise have been attached to it. He wished to express the satisfaction with which he saw that the noble Lord had again taken up this question, for he (Mr. Dillwyn) entertained no doubt of the power of the House to proceed by either or by both of the Acts above named, and it should be remembered that if the noble Lord's Bill failed to pass, the House did not abandon its right to proceed by Resolution. He trusted that the present measure would meet with a better fate than its predecessors, but he thought that after exhausting every means of conciliation, they would be bound to assert the right conferred on them by law and by precedent—namely, that of interpreting the law affecting their own privileges for themselves.

Mr. BENTINCK said, that, while giving every credit to his hon. and learned Friend (Sir F. Thesiger) for straightforwardness and consistency, he yet rose to express his regret at the course that he had announced his intention to pursue on this occasion. There were circumstances connected with the time and manner in which this measure was brought forward that called for a more than usual amount of opposition; and he wished to announce that he did not feel himself bound by the decision which had been arrived at, and that should it be the pleasure of any hon. Member to divide the Committee on this subject, he, for one, was prepared to go into the same lobby with him. At any rate, he must protest against the line taken by the noble Lord the Member for London on the present occasion. He did not mean to refer to the arguments which had fallen from the noble Lord, with one exception, and that exception he believed told exactly against the noble Lord and the course he had adopted. The noble Lord quoted as a precedent for his introducing the measure into the present special Session that in 1847, when there was also a special Session called together, he introduced a Bill for the relief of the Jews in the same way as he had done now. But it should be remembered that in 1847 the noble Lord was at the head of the Government, and was then perfectly justified in taking the step he had described; whereas, now, however high his political reputation, he only occupied the position of a private Member of that House. Parliament had been assembled for a special

purpose, and there was a tacit understanding that no business except that for which they had been called together should be transacted; and therefore for a private Member to intrude on their attention a measure of this kind, on which the widest difference of opinion existed, and which had been repeatedly rejected by the Legislature, was a proceeding at once highly irregular and unwarrantable. If the hon. Member for North Warwickshire (Mr. Spooner) had taken such an opportunity to introduce his Motion for the repeal of the Maynooth grant he would have been met with a general outcry; and yet the only difference between the two cases was, that the one was a proposal to secure the Protestant institutions of the country, and the other a proposal to unchristianize the Legislature. Indeed, the adoption of so irregular a course on the part of the noble Lord, who was usually so scrupulously observant of the forms and usages of the House, almost led one to suppose that he acted under pressure from without, and seemed to confirm the rumour which they had all heard that a certain great capitalist, who need not be named, and a certain noble Lord, who must not be named, stood towards each other in the relative positions of patron and nominee. It appeared to him that the Jew question, as it was called, had never been placed on a fair footing in that House. There had always been some misunderstanding or misconception about the merits of the case; and as to the feeling of the country in regard to it, if the country were polled throughout, the opponents to the admission of the Jews would be found in the proportion of ten to one; but the fact was, that for political objects, and not on religious grounds, the same annual farce was performed of bringing in and passing through one House a Bill that was sure to be rejected in the other; and the people therefore refused to take any active interest in the subject. If a popular agitation were once raised on the question, it would soon be seen that no man or set of men whose intention it was to desecrate the Christian religion would be suffered to hold the reins of power; the Jews would speedily be forgotten, and the noble Lord the Member for London would once more be compelled to sit in that House as the representative for Stroud. He would not trespass longer on the attention of the Committee. They had from time to time heard the term "factious" applied within those walls. He had heard of a factious minority, but there was also such a thing as a factious majority, and if that phrase could ever be justly applicable to a majority it was to the course taken by the noble Lord and his supporters on the present occasion. He for one was prepared to go into the lobby with any hon. Member who, adopting the forms of the House, would resist the introduction of the measure, and he believed that by so doing they would resist a factious proceeding, and take a course which would give great satisfaction throughout the country.

MR. COX said, that he agreed with the hon. Member who had just sat down that the introduction of this measure year after year had much the appearance of a farce, and he had been in hopes that the noble Lord the Member for the City of London, instead of bringing in a Bill, would have put an end to it by submitting the Resolution spoken of to the House. Much had been said about unchristianizing the Legislature. Why, it was the last thing any sensible man would ever dream of resulting from the admission of the Jews, nor could he even have imagined such a thing when he voted for Baron Rothschild as one of the Members for the City. The hon. and learned Gentleman who opposed the introduction of the Bill (Sir Frederic Thesiger) said if they admitted Jews they must also admit Hindoos and Mahomedans to that House; but the hon. and learned Gentleman seemed to have forgotten that before Hindoos or Mahomedans could take their seats in that House they must be elected by a constituency. Before the Legislature was unchristianized by Mahomedans or Hindoos, these sects must form a majority of the electors. How likely that was he left the hon. and learned Gentleman to suppose. He must say he did not like the manner in which this Jew question was treated. He had lately been reading the humorous description by Sam Weller of how Mr. Pickwick was treated by the lawyers in the noted case of *Bardell* v. *Pickwick*, and Sam's observation that "battledore and shuttlecock was a werry amusing and funny game, but when oneself became the shuttlecock it became rather too exciting." Such was the position of the Jews. They were tossed about like

shuttlecocks between the battledores of the noble Lord the Member for the City and the hon. and learned Member for Stamford, and he was doubtful whether they would gain much from the amusement. He hoped the noble Lord would carry out his intention by proposing the Resolution which he had shadowed forth. If he did so, he would get plenty of hon. Members on that side of the House to go into the lobby with him.

Mr. NEWDEGATE believed, that the hon. Member for Finsbury, who seemed to think that the admission of Jews would not have the effect of depriving the Legislature of its Christian character, fairly represented the confusion which existed in the minds of a certain number of ill-informed persons out of doors. What, however, were the facts? The noble Lord the Member for the City, in 1847, and again in 1849 and 1851, introduced Bills similar in purport to that which he had now announced; these Bills passed the House of Commons, but were rejected by the House of Lords. These Bills would have retained the profession of the Christian faith for all other candidates for admission to the House, but abolished it in favour of the Jews. In 1854, the noble Lord introduced a Bill which he declared embodied the provisions, intentions, and consequences of the Bills he had previously introduced, and that Bill proposed to sweep away at once and for ever the emphatic words "on the true faith of a Christian." The consequence was that the same House of Commons which had passed Bills for the admission of Jews *per se*, seeing clearly that the proposal of the noble Lord would at once invalidate the Protestant securities of the constitution and destroy the Christian character of the Legislature, rejected it. How, then, could it be said with truth that those who advocated the introduction of Jews, as proposed in the present Bill, did not intend to unchristianize the Legislature? He believed, for his own part, that if it could be fairly explained to the country, as it might be by a well-concerted agitation, that these often-repeated Bills, nominally only for the admission of Jews, were really intended to strike down the Christian character of the Legislature, the people would regard with indignation such a proposal. The hon. Member for Finsbury recommended the House to seat Baron Rothschild—that profitable object of compassion—by way of Resolution, and lamented that person's having so long been bandied about like a shuttlecock. He (Mr. Newdegate) must, however, remind the hon. Member that the state of his client would be still that of a shuttlecock between two battledores. For no sooner would Baron Rothschild have taken his seat than he would himself be involved in the courts of law, bandied about between two sets of able lawyers, battledore in hand, with the certain result of being subjected to a fine of £500 for every vote he ventured to give in that House. The noble Lord the Member for the City, after having introduced a second Bill last Session on this subject, and in so doing having doubly violated the Standing Orders, now condemned his own proceedings by asking the House to resolve itself into Committee for the purpose of considering his proposal in its true sense as a religious question. Only last Session the noble Lord declared again that his proposals to admit the Jews were but steps in the direction of that for which he had continually voted—the open and avowed destruction of the Christian character of the Legislature. [*Cries of* "No, no!"] The statement of the noble Lord last spring was, that he would have no restriction upon the admission of Jews to the Legislature or to any offices; that he would no longer be a security-monger, for that was the term he used to describe his avowed object, which was to deprive the Legislature of its Christian character.

Lord J. RUSSELL said, that the hon. Member was not quoting correctly. He never made such a statement as that attributed to him.

Mr. NEWDEGATE could not, while addressing the House, reach *Hansard*, but, according to that authority, which he had consulted the night before, the noble Lord informed the House last Session that as his proposals for the admission of Baron Rothschild and other Jews as such had not been adopted, he would no longer submit to being embarrassed with the advocacy of those securities which characterised his Bills of 1847 and 1849, but which he had abandoned so long ago as 1854. He thought the noble Lord would scarcely contradict that statement. He (Mr. Newdegate) could not but feel the deep impropriety of the time selected for the present proposal. The country had felt and had

acknowledged the hand of Almighty God in the calamitous events which had occurred in India; the people had humbled themselves before God, holding a day sacred for that purpose; and, having thus acknowledged the power of the Supreme Being, and deprecated His anger, there arose throughout the length and breadth of the land the cry, "Let India henceforth be governed upon Christian principles." Such was the prevailing expression of feeling and opinion. What was the proposal now before the House? It was not a proposal that India should be governed upon a principle of religious indifferentism, or that the Government of India should hide its own religion and bow down before the miserable superstitions that surrounded it, but it was a proposal that the Imperial Parliament of England itself should abandon its Christian character, should prove how little it valued that religion in the defence and profession of which the victims of the mutiny in India had so gloriously died, and should do this at the very moment when a heathen host was banded against the Christian faith and making martyrs by hundreds if not by thousands. He spoke the voice of the people when he said that this proposal would grate upon their feelings. They would say, "When we see Christianity thus assailed in India, and multitudes of our countrymen rendering up their lives rather than abandon their faith, we are disgusted with the proposal that the Parliament of England should cast off its allegiance to God as revealed to us through our blessed Redeemer." No period could have been more ill-chosen for the introduction of such a measure, and he rejoiced at it, because it would awaken the public mind to a due sense of the inherent vices of the proposal, and to the consequences that must inevitably ensue from its adoption. We had had warnings enough. While that House was discussing the Bill of 1847, the revolution was brewing in France. ["Hear, hear!" *and laughter.*] He (Mr. Newdegate) was astonished at that expression. Was it possible that the Radical section of the House had become the advocates of despotism. The hon. Member for Sheffield seemed to rejoice at the result of French revolutions, but he, a Tory, regretted that France had lost her constitutional freedom. What was the prelude of that loss? It was that the Parliament of France cast off Christianity as its characteristic and profession. The consequences of that step slumbered for sixteen or seventeen years, at the expiration of which time they showed themselves in the overthrow of the constitutional monarchy and the Parliament, which rested on the sandy foundation of those principles which, during the first French Revolution, deified a woman as the goddess of reason. That form of government fell with a crash in 1848, from which the liberties of France had not since recovered. It was strange to hear the hon. Member for Sheffield chuckle when he heard that that great country had by her abandonment of Christianity proved her incapacity for self-government. History afforded no precedent for the permanence of any form of free institutions, in any country, which, having been Christian, abandoned its Christian character. The Government of Rome became apostate and then fell. So perished the germ of freedom in unhappy Poland. He did not wish to detain the House, but so long as he had a seat there he would not hear a proposal made for the destruction of its Christian character, without entering his protest. There was no instance of a country abandoning Christianity without falling. The Protestant constitution of this country could not be maintained unless the Parliament continued Christian. Protestantism was nothing but Christianity purified; and he could not understand how any man who valued the freedom which we enjoyed, and who admitted, as he believed the noble Lord did admit, that the freedom of our constitution grew out of the reformation of our religion, could make such a proposal as this. The country thanked God that it had a House of Lords to defend it, and that year after year that assembly resisted the endeavours of Members of the House of Commons to sacrifice the fundamental principle of the Government. For the common law of this country was Christian, and the statutes which illustrated and enforced the common law had ever been framed in its spirit by Christian Parliaments, in accordance with that great code of faith and morality which extended in its avowed obligation from the Sovereign on the throne to the meanest of her subjects, and formed the connecting influence of the social compact.

Mr. PEASE said, that he rose with much reluctance to express his mind on this subject. He was one of those who desired that that House should always be, as it was always intended to be, Christian; but he took a view of the elements and effects of its Christianity different from that which appeared to be entertained by some hon. Members. He was not so presumptuous as to attempt to follow the hon. and learned Member for Stamford in the remarks which he had made, but he would refer to one observation which had fallen from him with respect to the Christianity of this House. In the course of a former debate upon this subject the hon. and learned Gentleman had reviewed, in a very clear and forcible manner, the various guards which the law had established to preserve the Christianity of Parliament and of the institutions of this country; but he gave to those guards and forms a higher importance than he (Mr. Pease) could allow them. He held that it was the essence of the principles of Christianity permeating through large masses of the population which had caused the House from time to time to establish these forms, and that although the forms should be abolished, this essence or spirit would still preserve the Christianity of the Legislature. He was sorry to say that it was but little that he understood Christianity, but if he understood it at all it was a principle which had no reason to fear the Jew. Were the Jew ten times richer and more learned, and had he ten times more social influence than he was alleged to possess, he thought if the Christian was not able to go down to the rock of his belief and say, "My principle shall outlive your principle, my Christianity shall outlive the dispensation that went before it," there was but little hope for Christianity. He had listened with pain to the small amount of vital power which seemed to be attributed to their religion by the opponents of this measure. There was a time when it was said of what we called the inferior dispensation, "Behold, one shall chase a thousand, and two shall put ten thousand to flight." If we inherited any part of the faith of the martyrs, who were burned ages ago, we might adopt very similar language as to our religion as compared with that of the Jew. He did not say this because he feared the admission of Jews into Parliament. He respected the Jew as his neighbour and as his friend, as one who had an equal right with himself to the enjoyment of his own opinions, and as one who had worthily filled many offices of trust, profit, and responsibility; but at the same time he was bound humbly to maintain his own faith, and to desire that it might be spread to Jews also. He would make one remark with regard to what had been said of the noble Lord the Member for the City of London. In the British House of Commons it was not necessary that so humble a voice as his should be heard on behalf of that noble Lord, but it was due to those whom he represented that he should state that they believed the noble Lord to be actuated by motives very different from those which had been attributed to him that evening. If he went into the North of England he should hear it said that the noble Lord had been for ten years, and twice ten years, the steady and uncompromising friend of religious liberty, and that in the year 1857 it was unnecessary to allege such mean and sordid motives as had been insinuated that evening in order to account for his pursuing the only course which, as the consistent Member for the City of London, he could adopt. For himself it was his desire to belong to that large and increasing majority in that House, which desired to do right and feared to do wrong, and of this he was convinced that if they dared, and persevered in daring, to do right in this matter, in spite of whatever the courts of law or any other body might do, they would receive the approbation of the people of England.

Mr. I. BUTT said, that on previous occasions he had voted against similar measures to the present, when they had been introduced. He had voted as he did on former occasions, for the simple reason that he deemed it essential that the Christian character of the nation should be preserved, and he feared that by supporting a measure of this kind he might be interfering with the Christian character of the community. Of the first of these propositions he was as firm a supporter as ever; but he thought that the second step was erroneous, as he had, upon reflection, become convinced that the admission of the Jews would not interfere with that character, and he should therefore now give his vote in support of the proposal of the noble Lord. At the proper time he should be

ready to justify these views, but let him now warn his hon. and learned Friend the Member for Stamford, who seemed to dissent from his proposition—

Sir FREDERIC THESIGER: I neither said nor did anything which could intimate either dissent or assent.

Mr. BUTT: At all events, he did so when he addressed the Committee. Let him warn his hon. and learned Friend that by arguing that the admission of Jews would unchristianize Parliament he was putting a sword into the hands of those who argued that its Protestantism had been destroyed by the admission of Roman Catholics. He believed that the Christian character of this nation rested upon something very different from a phrase in an Act of Parliament—a phrase from which Rochester did not shrink, and which Gibbon used as glibly as the most pious Christian. It rested primarily upon the prevalence of Christian doctrines and Christian precepts among the mass of the people; and, secondly, upon the result of that prevalence as evidenced by those laws which were inseparably interwoven with our social constitution. So long as we followed the precepts of Christianity in our conduct towards our fellow-men we should better uphold our national character, and set a better example to other nations, than by the retention of a useless phrase, which a man who had no Christianity would use, but from the adoption of which a man of a sensitive conscience might shrink. He did not intend to trespass further on the time of the House, but he did not wish to avoid expressing his opinion, because there was to be no division at the present moment, and when any division should take place he would be found recording his vote in favour of the Bill.

Mr. STANHOPE said, that the hon. Member for North Durham (Mr. Pease) had claimed the privilege of doing what he thought right in this question. But there were Members on that side who also claimed such a privilege. However small might be their numbers, they claimed the right of opposing in every manner a Bill which they believed would destroy the Christian character of the House. He had to congratulate the hon. and learned Gentleman who last spoke on the position he had assumed of being doubly right. When he voted against the noble Lord's Bill he conceived himself perfectly right, and now, when about to vote in favour of it, he assumed with the same complacency that he was equally right. He (Mr. Stanhope) doubted if he could have felt so much satisfaction on such an occasion. He believed that, as the hon. Member for North Warwickshire had intimated, they must consider the proposed measure in connection with the future government of India, and with the question how far the support of Christianity was to be the rule there in future. If they once laid it down that Christianity was no longer to be the great rule of action here, they had no right to blame those having the management of India for not sufficiently maintaining Christianity as the basis of their government, or for encouraging, in order to preserve their dominion, the superstition of the Hindoos and the fanaticism of the Mahomedans. The people of this country and their fellow-subjects in India would deem that they were actually establishing a system of hypocrisy if they violated in this country a principle which, it was urged, should be acted on in India, even contrary to the wishes of the inhabitants.

Mr. GRIFFITH said, he was unwilling to allow it to be supposed that every Member on the Opposition side of the House was opposed to the noble Lord's measure, which was the culminating point of that edifice of civil and religious liberty which the noble Lord had had the honour of raising in this country. Those who uniformly opposed the repeal of the Test and Corporation Acts and the passing of the Catholic Emancipation Act might deem it right to resist the present measure, but he was bound by no restrictions of that kind. It was a perversion of the argument to contend for the constitution of that House from a religious point of view; it was the grand council of the nation which was constituted to conduct the business of the nation, and was in fact only a vestry of large calibre for the management of the affairs of that great company Great Britain and Co. It seemed to him that many persons overlooked the deep debt of gratitude which Christianity owed to the Jews as the depositaries of the great portion of the Scriptures; and if they had been extinguished as a nation centuries ago we should be devoid of one of the bulwarks of Christianity, the early history of our religion. That was one

of the purposes of divine authority, and who were we to question that authority for to pass judgment on that nation? It was scarcely competent for a political assembly, as that House was, to pass sentence on the stupendous sacrifice for which Christianity was distinguished, or to make it a ground for excluding any class of their fellow-subjects from the enjoyment of civil and religious liberty. They must regulate their proceedings by the rules of every-day business. He could never suppose that the presence of one or two gentlemen of high character, and not intolerant—for Jews often subscribed to Christian charities—would unchristianize that House. Many persons who were called Christians could take this oath who could not be universally accepted to fill that character; for even the Mormons called themselves Christians. To be strictly logical, you ought to inquire into the Christian conduct of every Member who was to take the oath, and which of them could stand that test? In fact, you ought to have a Committee to inquire into the private morals of every hon. Member. In short, this question should be looked at from a political and social point of view, and from every point of view but a religious one.

Mr. WALTER remarked, that he did not rise for the purpose of prolonging the discussion, about which it appeared to him to be difficult to say anything new; but he could not help thinking that the events which were passing around them furnished a singular illustration of the line of argument adopted by hon. Gentlemen on the other side of the House. What was it that excited so much alarm in the minds of those hon. Members? Why, that the Bill for admitting the Jews to Parliament would have the effect of destroying the Christianity of the country. Why, that was the very argument used by the Sepoys, who complained that their religion was going to be destroyed by "greased cartridges." What was a religion worth that could be destroyed by such means? But was the apprehension of the Sepoy a bit more irrational than that of hon. Members who thought that Christianity could be destroyed by an Act of Parliament? It was degrading Christianity to make it amenable to any such influence. He always disliked quoting Scripture in that assembly; but there was one passage in holy writ which seemed to him to bear so remarkably upon the subject before them, that, with the permission of the House, he would draw their attention to it. He referred to that passage in which the Divine Author of our religion Himself depicted the character of His kingdom. He said—"My kingdom is not of this world: if my kingdom were of this world, then would my servants fight, that I should not be delivered to the Jews: but now is my kingdom not from hence." Now, without meaning any disrepect, he must be allowed to say that the only functions which the House of Commons had to perform were essentially those of an earthly kingdom. The Christianity of this country depended, not on the House of Commons, but on the personal religion of the individual members of society; and they could no more destroy Christianity by an Act of Parliament admitting Jews or even Mahomedans—if any constituency should be so misguided as to send one to that House—than they unchristianized the country by their admission to society.

Mr. ADAMS said, he should not have addressed the Committee but that he felt himself constrained to defend the Committee of last year from the attack which an hon. Member (Mr. Dillwyn) had made on at least a portion of its Members. It was impossible for any Committee to pay more marked attention to any question than they did; and if there were any hon. Gentlemen who did not attend during the whole of the sittings it would hardly be said that doing so was on all occasions necessary to enable Members to arrive at a sound conclusion upon the subject, as the arguments made use of were to a great extent a repetition. He could also advert to hon. Gentlemen who voted in the minority who did not attend all the sittings, but it would be ungracious to do so, and therefore be factious. He believed that the Members on both sides were actuated by conscientious motives, and it was well known that the conclusions the majority arrived at had received the approbation of the most distinguished members of the legal profession. He hoped this would be argued as a great question, and not on individual and personal grounds. It was too vast a question to be so dealt with, and he hoped it would be considered in a manner worthy of the House of Commons, and not in a mere vestry spirit, or

that any one would be influenced to take a particular course because hon. Gentlemen were threatening ulterior steps. There was enough of English feeling on that side of the House to disregard threats and to enable him to say that if the convictions of hon. Members were not reached they would not be worked upon through their fears. He certainly did not understand the noble Lord (Lord John Russell) to have thrown out the threat imputed to him. He did not understand the noble Lord to threaten them with any abstract Resolution if he did not succeed in his present object. The noble Lord had referred to the possibility of further considering the question if his present proposal failed, but he by no means went to the extent of saying that simply because he could command a majority of that House he would use the influence of his high position to carry by the force of numbers a Resolution that would effect his object. It would have been unworthy of the noble Lord to use such a threat, and because it was unworthy of him he knew well that the noble Lord would not have recourse to it. He was not now discussing the principle of the measure. Other opportunities would be afforded them of doing so, but he must join in the protest that had been uttered by others against the ill-timed introduction of the measure. When it had been determined to enter upon the consideration of other great questions, and especially of one which deeply interested the public mind, he did not see that there was such urgency in the Jewish question as to entitle it to precedence over them all. He would reserve himself for the consideration of the Bill when it came before them; but in the meantime he might say that whatever step was taken he hoped it would be in strict accordance with constitutional usage, and that no violation of the constitution would be recommended by the noble Lord, who had ever been an earnest and eloquent supporter of the constitution in that House. One hon. Member recommended that they should not only proceed by Resolution, but that they should go further and prevent the interference of the courts of law. What! Were they who made the laws to hold forth the example of setting aside the courts of law? Were they to declare by a Resolution that because they disagreed with the Judges as to the state of the law, therefore the Judges were not to be permitted to interfere? He begged to remind the House that there never had been a conflict between the courts of law and one branch of the Legislature, in which the law courts had not proved right in the end, or out of which that particular branch of the Legislature had ever come with any increase of honours. Let them endeavour by all constitutional means to alter the law, if alteration it required; but let every such alteration be made by the three estates of the realm, by whom the law was originally framed. Such a course only would redound to the credit of that House and to the honour and welfare of the country.

Mr. DILLWYN explained, that he had only referred to the conduct of the majority of the Committee because the hon. and learned Member for Stamford had previously referred to the proceedings of the minority.

Lord JOHN RUSSELL: No hon. Gentleman is more entitled to speak in regard to the conduct of the Committee of last Session than the hon. and learned Gentleman who has just sat down, because the hon. and learned Gentleman made in it a speech of great ability, which I think had a considerable effect on the decision at which they arrived; but when he states that the decision of the majority was supported by the most eminent members of the profession, I must say that there is no one either in the majority of the Committee or out of it more entitled to respect as a member of the profession than the hon. and learned Attorney General. I hold him to be one of the highest authorities whose opinion could be taken on this subject. The hon. and learned Gentleman says I should not have introduced this measure so early in the Session. Now, if I had interfered with the Indemnity Bill, or with the Committee on Commercial Distress and the Bank Act, there would have been some reason for what he had said; but, as no business of very great urgency had been put down for this day, I do not think it can be said that I have interfered with the public business. It must be recollected that the City of London elected a member of the Jewish persuasion to represent them in 1847, and that the question has never yet been finally decided, and therefore, I think, the subject is one on which if a Bill is to be introduced, it ought to be done at as early

a period as possible of the Session. But, though I have brought forward the question in this short Session, I quite admit the propriety of putting off the second reading of the Bill till we meet again. The hon. and learned Gentleman says this House has suffered in its conflicts with the courts of law. That may be so with regard to some questions of privilege; but with regard to the decisions of courts of law the country might have been still paying ship money, and we might have been still at the mercy of the prerogative of the Crown, if this House had rested satisfied with whatever might be the opinion of the Judges. I hope, then, that this House will not feel alarmed at the prospect of a conflict with the courts of law. An observation has been made during this debate more personal than was necessary, and not over civil, by the hon. Member for West Norfolk (Mr. Bentinck). He said that I was, no doubt, acting under the influence of a great capitalist—by which, no doubt, he meant Baron Rothschild—upon this question. That hon. Member appears not to know the history of this question, and he has evidently not observed that long before the year 1847, whenever this subject was introduced into this House by Sir Robert Grant and others, I always supported the claims of the Jews, and that whenever the Jews asked to be admitted to a full enjoyment of the privileges of the constitution, I have always given my vote in their favour. The hon. Gentleman also omitted to notice that at the last election, so far from any part being taken by Baron Rothschild in my favour, he joined with three others; that the votes of the electors were asked for those four in opposition to myself; and that as far as Baron Rothschild is concerned I should not at this moment be a Member for the City of London. However, the people stood by me, and I am grateful neither to Baron Rothschild nor to the princely merchants of the City. But I am under obligations to the people—to the great body of the citizens of London—who supported me when they thought with me that I was unfairly attacked. The hon. Gentleman's personal observations have, therefore, not much foundation, and his knowledge of the history of this question is evidently very inaccurate. The hon. Gentleman the Member for North Warwickshire (Mr. Newdegate) says that I intend that Christianity shall no longer be acknowledged in this House as the basis of the constitution, and that I wish to destroy the Christianity of this House. As regards the form of this Bill, I might again quote the words of Mr. Canning, and say, "I am not always bound to find a security for your faith." I have always contended that the Christianity of this House would not be destroyed by admitting the Jews to this House, but that you would give a more striking proof of Christianity by breaking down these barriers than by maintaining them as they stand. I always put this question to hon. Gentlemen who adopt the argument of the hon. Member—"Do you acknowledge this to be a Christian nation? There are 40,000 Jews in it, and if the existence of those 40,000 Jews prevents the existence of a Christian nation, then you are not a Christian nation. But if, although you have 40,000 Jews in this country, it is still a Christian nation, then I ask why the admission of one or two Jews into Parliament would not still leave this a Christian Parliament?" To that question no answer has been given, or can be given. I have always contended that the Christianity of this House is not dependent upon the oath that Bolingbroke and Gibbon have taken, but that it depends upon the personal sentiments of the Members of this House. It is no doubt to be wished that they should be guided by Christian sentiments, but the Christianity of this country is not dependent upon any clause in an Act of Parliament. Having said this much, I do not wish to carry the discussion further; but I will add that the hon. and learned Member for Boston (Mr. Adams) was right in supposing that I said that in case no other constitutional mode should be left, I should think it right to bring before the House for its decision the question upon which the hon. and learned Attorney General has formed a decided opinion, and which he expressed in emphatic terms. That is a matter to be hereafter considered. The question was much debated in Committee, and it is right that the House, in a matter of such grave importance, should come to a decision upon the subject, if no other constitutional course should present itself.

MR. CONINGHAM said, that he was unwilling by silence to let it be supposed that he held any doubtful opinion or was indifferent to the question of the admission of Jews to Parliament, and as the

representative of a large constituency, he was convinced that he expressed their opinions when he declared that they took the same deep interest in the removal of Jewish disabilities which he himself felt. It was not for him to canvass the reasons that had induced the Government to hand over a measure embodying a vital principle to an independent Member, nor was it for him to raise any objections to the hands in which it was placed; but, as a Member of the Liberal party, he would tell the Government that those who entertained Liberal opinions were carefully watching its proceedings on this Bill, especially as the noble Lord at the head of the Government had not made this a Cabinet question, but had allowed an influential Member of the Cabinet to walk out of the other House without voting. He trusted that Parliament was not about to see a repetition of such a proceeding. The question was not whether Baron Rothschild should be admitted, but whether a man should be excluded from the rights of citizenship so far as they related to a seat in that House for his religious opinions. The removal of these religious disabilities was nothing but a complement to the Reformation achieved some centuries ago, and from what he knew of public opinion on this subject he was certain that in spite of all resistance this question must ultimately be carried to a triumphant issue.

Mr. NEWDEGATE said, that he had been misrepresented both by the noble Lord the Member for the City, and by the Member for Nottingham. He had never denied that there would be many Christians in the House even if Baron Rothschild were admitted, but what he had maintained was a proposition sanctioned by the highest authority—by the House of Lords—that the admission of Baron Rothschild or any other Jew into that House, would be a violation of its Christian character. So strong was that Christian character that it was contrary to order in that House to speak anything that could be considered blasphemous; and he well remembered that the late Speaker had risen to call a Member to order who was questioning the fundamental truths of Christianity; and the Member at once acknowledged himself out of order. This characteristic of the House must be lost, if Jews, who reject Christ, became Members.

Mr. BENTINCK wished also to explain that the inaccuracy which the noble Lord (Lord J. Russell) had imputed to him was not in his history, but in the noble Lord's memory. What he said was, that the noble Lord had brought in this measure at a time and under circumstances that rendered it an irregular and, in his opinion, a factious proceeding, and that such a course, when taken by so high an authority as the noble Lord, would lead one to suppose that some pressure from without must have influenced his conduct in so doing.

Mr. STEUART observed, that the political argument was stronger than the religious one in dealing with this question, although the opponents of the measure had not taken that ground to any extent. An hon. Member near him (Mr. Griffith) had argued for the admission of the Jews because we had inherited their sacred writings. We might as well argue for the admission of Popish bishops into the House of Lords because we had received some writings from the monks. He protested against the House of Commons being regarded as a great political vestry, but even if it were the political vestry that some represented it, it ought to hesitate before it admitted the Jews. Give the Jew the fullest political and social rights, but his feelings and principles were such that he could not be a useful legislator there. The Jew had higher views and consolations, and, as had been well said, he looked to a greater Exodus than that from Egypt. The hon. Member for Brighton had declared that the country was anxiously watching the conduct of the Government on this subject. He believed, on the contrary, that no question had excited less interest at the last election than the admission of Jews to Parliament. Out of 2,000 electors, not one had asked him what his views were on this question, and he had since asked hon. Members, representing larger constituencies, who had experienced similar results, and therefore he did not think it quite accurate to say that there was any real excitement upon the question among the Liberal party, except among certain Members in that House, and persons who, like Baron Rothschild, were peculiarly interested in it.

Motion *agreed to.*

House resumed.

Resolution *reported.*

Bill *ordered* to be brought in by Mr. FitzRoy, Lord John Russell, and Mr. John Abel Smith.

Bill *presented*, and read 1°.

PUBLIC HEALTH ACT (1848) AMENDMENT BILL—FIRST READING.

Mr. COWPER, in moving for leave to introduce a Bill to amend the Public Health Act (1848), said, it was the same Bill which was read a first time last Session and could not be proceeded with for want of time. Being anxious that the Bill should not be again exposed to the same fate, he had taken the earliest opportunity to introduce it, and he trusted that the House would be prepared to consider it after the Christmas recess. The general object was to provide that every town in England, great or small, should have the opportunity of acquiring, without any considerable cost or difficulty, a local representative government, armed with sufficient powers to provide structural works and to make all such regulations and arrangements as might be necessary for the sanitary improvement of the inhabitants. The tendency of manufactures and the movement of particular branches of industry caused the rapid growth of towns in places which were previously thinly inhabited. The suburbs of Birmingham, Manchester, and the eastern districts of London had rapidly accumulated very large populations, and it frequently happened that houses were built without method and without under-drainage, so that the refuse was carried into some neighbouring ditch, where it remained to create noxious vapours injurious to health. The roads also were not in many parts paved, and yet it was hardly to be expected that any private individual would have so much public spirit as to risk the expense, in case of failure, of an application for a private Act, and therefore these places had no organization at all. Many of the older towns were also desirous of acquiring larger powers than were afforded by the Public Health Act. Both the towns which had and the towns which had not representative government wished to be able to adopt the Public Health Act with greater facilities and with provisions more adapted to their wants. He proposed the intervention of the general board only in cases in which it was necessary to call in an impartial authority to decide questions of disputed boundaries, or where some of the provisions of the Public Health Act had to be modified. The powers to be acquired under this Bill would be for making structural works, borrowing money, supplying water, lighting streets, and providing regulations which were necessary for the good government of these towns. There were some who asked, Why such meddling and such unnecessary interference? The purpose of the meddling was to get rid of the refuse of thousands, which had the effect of substituting disease for health, weakness for strength, and death for life. The number of deaths from preventible causes was estimated at 80,000 a-year, a large proportion of which arose from diseases altogether to be prevented if towns were properly cleansed, and possessed proper sanitary arrangements. It was acknowledged by the highest medical authorities that typhus fever was generated by overcrowding and by noxious exhalations; and in blind purlieus, courts, and alleys, typhus numbered among its victims about 17,000 persons. Other diseases, as erysipelas, consumption, and scrofula, were greatly increased by the same causes. It was admitted that cholera was a disease which could be prevented from assuming a fatal form by cleanliness and care. No better illustration was afforded than by the two towns of Tynemouth and Newcastle. In the interval between the last two visitations of cholera sanitary measures were adopted in Tynemouth, and neglected in Newcastle. At the last visitation the deaths in Newcastle from cholera were 2,000, and in Tynemouth 4, though both towns were similarly situated. Similar results were traceable with regard to pure water. It was found, by comparing the deaths which occurred among the population of London served by the different companies, that those who drank the foul water taken from within the tidal area died in a proportion three and a half times as great as those who drank the pure water which was taken from above the tidal area. Cholera, with diarrhœa and dysentery, destroyed 27,000 annually. In the same way the mortality of infants depended greatly upon the influence of the air they breathed, and Dr. West mentioned that infantile diarrhœa, in the severe form in which it prevailed in the ill-drained parish of Lambeth and other districts on that side

of the river was not to be found in the well-drained districts of the metropolis. The mortality from typhus varied wonderfully in different localities. In some registration districts it was found to exist in the proportion of 22 to a given number, whilst in other places the proportion was 209, and diarrhœa and dysentery varied from 4 to 385. There was a tendency in this country for population to gravitate to large towns, and the town population was more unhealthy than that of the rural districts. The mortality in large towns was one-third more than in small towns and rural districts. One cause of the unhealthiness of towns was the difficulty of removing refuse, and decomposition rapidly polluted the air and tainted the water, and then those diseases of which he had spoken frightfully increased. It was therefore incumbent on those who were anxious to maintain the health and morality of the country to give their attention to the sanitary state of towns, and to try to effect those objects which this Bill had in view. He hoped that in the ensuing Session, notwithstanding the vast objects of absorbing interest that would press themselves on the attention of the House, some time might yet be given to that which, though not so attractive or exciting, had a great bearing on the real welfare of the people. The preservation of health was the prerequisite for every good that they could confer on the people; and whilst they took such minute care to preserve property, he trusted they would recollect that to the poor and the rich the most important thing was the preservation of life and health. He would, therefore, conclude by moving for leave to introduce the Bill.

MR. AYRTON said, the right hon. Gentleman was under a misapprehension if he supposed that any species of opposition would be offered to any measure that would improve the sanitary condition of the people. No such opposition would be offered provided the Bill were framed in such a manner as would attain the object without infringing on the reasonable liberty of the people of this country. No opposition had been offered last Session to the end which the right hon. Gentleman had in view, but to the means, the indiscreet means adopted. The great objection was to a central authority in London, which should control the free action of the inhabitants of the districts, who were vested with only a moderate power to regulate their affairs, in improving the sanitary condition of the people. If this Bill were consistent with the greatest amount of local power and authority necessary to preserve the sanitary condition of the districts, and with the freedom of the people from arbitrary and despotic interference with their own private action, it would be most cordially supported by those who took an interest in this matter.

SIR ARTHUR ELTON said, he thanked the right hon. Gentleman for the clear exposition which he had given of the objects of the Bill. From his own experience, as the head of a local board, he was convinced that it was eminently calculated to further the welfare of the people. It was a poor man's question, for the poor man had no security against the neglect of his landlord to provide for his health and comfort but the law. Though he was a supporter of the principle of local freedom of action, yet he thought there ought to be a power existing somewhere which would set right the wrong-doings of the local authorities, and stir them up when they neglected their duties.

Leave given.

Bill *presented*, and read 1°.

SIR H. HAVELOCK'S ANNUITY BILL.

SECOND READING.

Order for Second Reading read.

MR. W. WILLIAMS said, that, though he had very frequent occasion to oppose votes of public money, in this instance he felt great pleasure in supporting the proposition of the Government. General Havelock, by his exploits, had covered himself with glory and conferred an inestimable service on his country, and he fully merited all the reward which the Queen and the Legislature could bestow upon him.

MR. BOWYER said, he felt it his duty to take that opportunity of stating, that in his opinion they were dealing very inadequately with the great services of General Havelock. What had General Havelock done? He had performed one of the most gallant services that the military history of the country contained. With small forces he had done what had seemed impossible. He had saved an empire. Now, what were they going to give to General Havelock as a reward

for his great and heroic services?—a pension of £1,000 a year for his life. Consider what a pension for his life meant. Why, General Havelock was being shot at fifty times a day. What was his life worth? What benefit to his family was it to confer a pension for his life? Such a pension seemed to him to be extremely inadequate. There was a report, which he trusted the Government were in a position to contradict, that General Havelock had been killed. He trusted that was not so, but at any rate his life was in hourly danger. In general the practice was to give a pension to the person who performed the services and one or more of those who succeeded him. It was done in the case of General Lord Gough. He did not wish to underrate that General, but he did not think that the services of General Lord Gough were superior to the services of General Havelock; and even if they had been he thought that they ought rather to abound than to be deficient. He thought that the services of General Havelock were such as well entitled him to a pension for his next successor in the dignity which Her Majesty had conferred on him. They had seen the dignity of baronet conferred on a gentleman because he happened to hold a high civic position at the time that the Prince of Wales was born, and on another gentleman because he had given a dinner to the Emperor of the French. He did not think that any one could say that the honour to General Havelock was at all equal to his merits. Parliament ought, therefore, to be more anxious to see that what had been called the substantial part of his reward should be ample. If no other hon. Member undertook the duty he should himself move in Committee that the pension be continued to the son of General Havelock, himself a gallant officer, whose services had procured him the great distinction of the Victoria Cross.

SIR CHARLES NAPIER said, he thought that the Government had not conferred sufficient honour or remuneration either on General Havelock or General Wilson. He was quite certain that Parliament would have been heartily glad if greater honour had been done them, and would have been ready to bestow a much larger pension on General Havelock if the Government had proposed it. He might safely say that never in the annals of the British army had there been such an example of extraordinary skill and undaunted courage as had been displayed by Sir Henry Havelock in his march to Cawnpore and Lucknow. The same might be said of General Wilson, whose assault on Delhi—a strongly fortified place, garrisoned by 15,000 or 20,000 soldiers—was one of the finest exploits recorded in history. He hoped that the Government would reconsider the propriety of conferring still higher rewards on the men who had saved our Indian Empire. What was £1,000 a-year for life to General Havelock, shut up in Lucknow, with 70,000 men outside the walls, in hourly danger—a position on which no one could think without trembling? His son also was serving in the army with him, and while they were voting this inadequate pension to the General for his life he might at this very moment be no more. He would not say this was a shameful way of rewarding him, but certainly it was not a proper way. The fact was, however, that officers, who devoted their whole lives to the service of their country were, generally speaking, not sufficiently rewarded for their services—certainly not those who served in India. His gallant relative fought two great battles and conquered a kingdom, and what was the reward he got? Her Majesty took a bit of red ribbon off his neck and put it over his shoulder—that was all he got, not a farthing of pension. General Havelock had not been properly rewarded, he repeated. How had the last batch of Peers got their honours? One was made a Peer because he was father-in-law to a Duke; another because he was brother to a Marquess, and a third because he had written a book. He believed if they polled the whole population of England the unanimous opinion would be that General Havelock ought to be made a Peer, at all events. General Keane was made a Peer for his military services; but did he perform half the military services that General Havelock had rendered? So, too, was Gough. He, it was true, was Commander in Chief; but Havelock excelled every man of whom he (Sir C. Napier) had ever heard. General Havelock had gained more victories in a few weeks than were won in the whole Peninsular campaign; and now, with only between 2,000 and 3,000 men under his command, he was menaced with 70,000. It was true they were but

comparatively small battles, but his forces were also small. He and General Wilson had performed some of the most extraordinary marches, and that too under a tropical sun, while thousands of men on their way from this country to India to reinforce them had been tossed about at sea for weeks and months in sailing vessels, who might have been conveyed to their destination by steam-ships without any unnecessary loss of time. He would read to the House a copy of a letter which appeared in *The Times* of that day, and was written in Calcutta on the 1st of November:—

"The sailing troop-ships *Nile, Areta, Barham, Ulysses,* and *Surrey,* are all that have yet arrived of those which left England with troops in June and July.

"The steamers *Golden Fleece, Sydney,* and *Australian,* which left England on the 14th and 15th of August, and the steamer *Thebes,* which sailed on the 31st of July, have arrived.

"The *Golden Fleece* brought a complete regiment (Her Majesty's 34th) in perfect comfort, without a sick man, in sixty-eight days.

"Would it not be as well to keep up twelve or twenty such ships in Her Majesty's Navy expressly as steam troop transports for the relief or reinforcements which may be required for the colonial, Indian, or war service of England? The advantages would be,—firstly, a whole regiment is transported complete in all parts and ready to act together. There have been some portions of Her Majesty's regiments here for six weeks, the other portions of which have not arrived. Secondly, the greater speed and greater certainty would enable more correct calculations of periods of arrival and of movements dependent on them. Had the soldiers despatched in June, July, and August in sailing vessels been sent by steamers, ten regiments might have been here and marched up on the 1st of October, instead of one so marched up then; and on this date such ten regiments might have been at Cawnpore. Thus, instead of the hard and desultory fighting in Oude now going on with some peril to the besieged garrison, the whole of our force could have been employed in such strength as to crush and destroy the enemy by a complete and overwhelming blow."

It would be in the recollection of the House that in June last both he himself and an hon. Member on the opposite benches—a man who had had great experience in navigating the Indian seas—urged the necessity of employing steam-vessels in preference to sailing ships in conveying the troops then about to be sent out to India. They were, however, overruled, for the First Lord of the Admiralty, and he believed the Secretary too, stood up and told the House that sailing vessels would perform the voyage as soon as steam-vessels. He (Sir Charles Napier) asked, had they done so? He had read them a communication showing that sailing vessels had not arrived in the same time, nor anything like it. The steamers had arrived at their destination in five or six weeks shorter time on an average than the sailing vessels. He said that was a grievous error on the part of the Admiralty, and it was a fit subject for the House to inquire whether the country was ruled by people who understood their business or by those who did not. He admitted that after they opened their eyes—which it took them a precious long time to do—the Admiralty made the greatest efforts to repair the blunder they had committed, as did also the Prime Minister, the Secretary for War, and the rest of the Government. He did not blame the noble Lord at the head of the Government for not sending the troops across the Isthmus of Suez, as some had urged him to do, inasmuch as he could never calculate upon what number of sailing vessels could be got there for conveying them on to India. This led him to another question. It was stated the other night elsewhere that one reason why the troops were not sent out to India in men-of-war was that officers in the navy had a great disinclination for such a service. That feeling might prevail among them to a certain extent. He could understand a captain of a man-of-war disliking, under ordinary circumstances, to carry troops in a fully-manned ship to Portsmouth or Plymouth; but in such a crisis as this Indian rebellion he did not know a captain in the navy who would not have been delighted to sail to India on such a service. If they were to land her marines, and take out her lower-deck guns, such a ship as the *Duke of Wellington,* for instance, would carry 1,000 or 1,200 troops out with all the ease in the world. Why, then, had that not been done? It was not the fault of the Government; it was the fault of the House of Commons and those hon. Gentlemen who led it. After the Crimean war was over the universal opinion of the House was, that we should keep up our army and navy, and never let them be reduced so low again. When Parliament met in 1857 we had a navy on the home station of ten sail of the line, and a disposable army. But the dissolution of Parliament was decided on, and then arose the cry of retrenchment. And who raised that cry? First of all, the noble Lord the Member

for the City of London (Lord John Russell), then the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), and then the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli). It was those three distinguished individuals who raised the cry of economy and retrenchment, and he (Sir Charles Napier) remembered standing up in his place and doing the best he could to dissuade the noble Lord at the head of the Government from being led away by it. The noble Lord did not choose to take his advice. He (Sir Charles Napier) supposed, like all Ministers, he had a certain degree of fear that he might lose his place. What, then, did the House do? Why, they paid off the navy by wholesale — discharging marines, seamen, boys, almost everybody, in fact, connected with the service, right and left. If those ships had not been paid off, in something like forty-eight hours any one of the men-of-war on the home station could have been prepared to sail with 1,200 troops; and let the House conceive, what would have been the effect in Calcutta if a squadron of ten or twelve sail of the line, each conveying 1,000 or 1,200 soldiers, had arrived there? Its salute would have been heard all over India, and produced the most salutary effect on the Native population. He did not mean to say that Cawnpore might have been saved; but what would have been the result in the garrison at Lucknow, the very next news from which might be—but God forbid that it should be so—that our whole army there had been destroyed, and the women and children butchered? Before, however, so horrible a tragedy should be committed with innocent women and children as was enacted at Cawnpore, he trusted General Havelock would have sufficient courage to place them on his magazine and blow the whole of them up. No English General ever would permit women, still less his own countrywomen and their children, to be so outraged if he himself had the means of terminating their lives at once. The General in command there would take the whole responsibility of such a last resource upon himself, fearful as it might be, and would fight to the last moment, as would every soldier under his command, rather than that a single woman or child should be touched by such infernal villains. The last news from Lucknow was that the garrison were short of provisions, and that they were obliged to kill their own gun-bullocks. What of that? Rather than that the people about him should starve for want of food, if he were General Havelock, he would kill every Hindoo that came in his way and eat him. [*Great laughter.*] Hon. Members might laugh; he spoke his own sentiments. A bit of a Hindoo would certainly not be a very agreeable meal; but he would destroy every one of them rather than allow a single hair of the head of any woman or child to be touched by such inhuman ruffians. He trusted, however, they would soon have better news from Lucknow than the last, and that Almighty Providence, which had done so much for us already in this crisis, and a great deal more than we had done for ourselves, would protect our unfortunate countrymen and women, and that General Havelock would still be able to hold his own.

Mr. P. O'BRIEN said, as this was an occasion when the House was called upon to pay a tribute of respect and admiration to a distinguished individual, he ventured to rise merely as a representative from a particular portion of the empire, in order that the people of Ireland might be understood as joining in the general feeling of admiration of the gallantry displayed by the heroic man who was the subject of this discussion. He would willingly support the proposition to prolong the grant if such a Motion were consistent with the rules of the House, which, however, he was told was not the case. But it was not by any money test that the value of the services of such a man could be ascertained, and the expressed feelings of the House and the country could not fail to be highly gratifying to him who was the object of such praise. At the same time, without seeking to detract from the greatness of the service performed by Sir H. Havelock, he might observe that there were not only other generals, but also soldiers in a humbler sphere, who also had a right to the consideration of the House and of the country. He trusted, therefore, that while they were rewarding General Havelock, they would not forget that there were others also who were entitled to their highest gratitude. Some of these men were unfortunately now no more, but he trusted the House would forgive him as he was induced to make that

remark from the recollection of one now no more, who had been his contemporary and friend—the gallant Nicholson; a man who by his great mind and powerful energy had been enabled to enlist in our cause the Sikh nation, and had thereby been our salvation in India. To him was due the suppression of the Sealcote mutiny, and by him, in conjunction with Sir H. Lawrence, the important district of the Punjab was preserved free from any further taint of rebellion. The widowed mother of that gallant officer was now residing in a northern town of Ireland, having previously lost a son in the Affghan war, while a third son had lost his arm in the attack upon Delhi. He (Mr. O'Brien) would be wanting in his duty if, at a time when those honours were being paid which were valued by high-spirited men more than mere money, he had not come forward, as an Irish gentleman, to state facts which would insure to that poor lady in her affliction the consoling thought that her gallant son's services had elicited the enthusiastic approbation of an assembly of English gentlemen. He thought honour was due to all brave men—generals, subalterns—down to Private Scully, who, at the hazard of his life, fired the train which blew up the gates of Delhi.

Sir HARRY VERNEY said, that while concurring in everything that had been said with respect to the bravery of our gallant defenders in India, and in the expediency of acknowledging their most important services, he must yet remind the House that they were assembled that night for the express purpose of considering the particular case of General Havelock. This short debate, however, would not be without its use, if it showed Her Majesty's Ministers that if they thought fit to extend rewards such a measure would meet with the highest approbation of the House and the country. Without wishing for a moment to detract from the merits of a single man who had been mentioned, he asked the gallant Generals who had spoken whether a case in which an officer had shown great talents in the field in moving large bodies of troops was not a case of superior skill than was evinced in attacking fortresses, however gallant and however successful such attacks might be? Was it not, therefore, a case of special service where an officer had evinced great military talents in moving armies over a great space of country under circumstances of appalling difficulty; and did not such conduct call for particular admiration and reward on the part of Her Majesty? In this case, the gallant Havelock was between sixty and seventy years of age, so that in any case the proposed reward was but a very small one. No doubt it was wise in the Government to study economy in such matters, until they had tested the feeling of the representatives of the people; it was evincing a good discretion not to come to the House for a very large reward. But when the universal opinion of the House and of the people had been so loudly expressed as it had been in this case, he thought that it would be their pleasure, as their duty, to increase that reward.

Mr. CLAY said, he was willing to accept the reward now offered to General Havelock as an instalment of future honours; and he was quite sure that the House of Commons would accede at any time to pecuniary rewards which Her Majesty thought ought to be offered to such gallant men. Having said thus much, he must say that he could not hear the services of a very eminent man derided by any hon. Member speaking of him as a man who had received a peerage for writing a book. It must be remembered that there were other services worthy of record besides military services. The proceedings of the House of Commons had been rendered more illustrious than ever by the graphic pen of the historian; and he believed that the advice to Her Majesty, in consequence of which Mr. Macaulay was made a Peer, was advice which was quite in accordance with the wishes of the people.

Captain SCOTT said, he rose as a friend of the Havelock family, and one who had served for twenty years in the same regiment with the late Colonel W. Havelock, to express his cordial concurrence in the praise which had been bestowed on the gallant General. He came of a race of heroes. His brother, who might be known to some as the "fair-haired boy," was he who saved a division of the Duke of Wellington's army, and for that service he was rewarded with a lieutenant colonelcy in the 14th Light Dragoons, and who finally lost his life at Ramnuggur. He (Captain

Scott) had addressed the House because the Havelock family might have considered it extraordinary if he had not expressed his disappointment and dissatisfaction with this life annuity to be granted to Sir Henry Havelock. He must express his disappointment at the inadequate reward to be bestowed upon that gallant officer. The family of the Havelocks was not a wealthy family. The late Colonel W. Havelock had nothing but his pay to depend upon, and he believed Sir Henry Havelock had nothing more, having for many years remained a subaltern, which he would not have done had he been possessed of means to enable him to purchase his steps. Upon his death the value of his commission would be lost, as in the case of his brother, and his family would lose the benefit of the annuity now proposed to endure only during the lifetime of Sir Henry Havelock. His son, a young man in the army, was probably dependent upon his pay, and at the death of his father he would find himself hampered with a title with nothing but his pay to support it. Under these circumstances he thought it very hard that the annuity should not pass for two lives.

Sir FREDERICK SMITH said, that as a military man he should be sorry to give a silent vote upon this interesting question. In common with his brother officers he looked upon the conduct of Sir Henry Havelock as an honour to the British nation, and as forming one of the brightest pages in our history. He was sure that the Government, in recognition of such gallant services, seeing the sense of the House and the feeling of the public, would be inclined to deal in a liberal spirit as regarded money matters with Sir H. Havelock. If he should be spared, as God grant he might be, he had no doubt that further honours would be in store for General Havelock; for he was satisfied that nothing could surpass the conduct of that officer and of General Wilson. As other names had been mentioned, he might be allowed to say that in his opinion there was no record of any siege in modern times at all to be compared, either with respect to the difficulties to be overcome or the success of the operations, to the siege of Delhi. It had been attacked by a force sometimes not exceeding 2,500, although it possessed a population of a warlike character to the amount of 100,000, and actual defenders to the number of 50,000 or 60,000. We might gather what had been at all times the warlike character of the inhabitants of Delhi from the exploits of Tamerlane, who had prefaced his operations against the city nearly 500 years ago by massacring in cold blood 100,000 Hindoo prisoners, and by the difficulties experienced by Nadir Shah somewhat more than three centuries later. He certainly must say that the success of the recent siege appeared to him to be marvellous, considering that our men were decimated by disease, and were suffering from the heat of the climate, from sun-stroke, from cholera, and from hard work. All military men agreed that there was no instance of such a siege being undertaken except by regular parallels and under cover of regular approaches; but General Wilson had adopted the bold, daring, and dangerous measure of establishing batteries in the open air, as it was termed, the last battery being actually within 150 yards of the place. There was nothing on record equal to that. He made a breach in the walls and stormed the place without those supports which all military men thought to be necessary. The General, however, was moved by moral and political reasons which were superior to all other considerations. We might have the whole of North-Western India against us, if the place were not taken, and he knew the importance of striking a bold and decisive blow at once, when delay would have been utter ruin. To give an idea of the desperate nature of the attack, it was enough to state that of the engineers engaged in it ten fell in the storming party, including the gallant Salkeld, who was first at the Cashmere Gate, and the no less gallant Home and Hovenden. All these had been pupils of his (Sir F. Smith's), and he need not say that he was proud of his scholars. The last-named officer, having been only shot in the leg, had written to him with his usual spirit. "I got a brick of a grenadier to lift me on his shoulders and carry me in." I will only mention one fact more to show the desperate and determined nature of this assault. Of the eighteen ladders that advanced with the Second Column, five were knocked over at the glacis, and of the ninety men who were carrying them thirty were killed

or wounded, and there were not sufficient men to form skirmishers to the ladder party, or to support it. Such were some of the details of the desperate attack made by the gallant Wilson upon Delhi, the success of which was fraught with such vital consequences to our cause.

Mr. RICHARDSON said, he rose to express his belief that there was not an Irishman whose heart would not beat and whose eye would not glisten as he heard recorded the brilliant achievements of the gallant man to whom the Government now proposed to grant a pension of £1,000 a-year. He must say that he looked upon that pension as quite inadequate, and when they considered that at that moment General Havelock might be no more, and that his family were not in affluent circumstances, he thought that it was the duty of the Government to provide for the family in case of a fatal casualty arising to the General. The East India Company had set a very good example in this respect, having determined that Lady Neill should receive a pension of £500 a-year, and Mrs. Nicholson, the mother of the late General, a like amount. He should be glad to see that example followed in the present instance. He could not agree with the right hon. Gentleman the Member for the University of Oxford that it was improper for Members of that House to interfere with these questions, on the ground that they appertained to the prerogative of the Crown. He considered it to be a most important part of their duty to express their approval of measures of this nature, and he thought that the circumstance that the people had at all times the right of expressing their opinion upon such subjects constituted a strong link between the people and the Sovereign.

Mr. GRIFFITH said, that a step in the right direction had been taken by allowing the widows of officers to assume the same title that they would have had if the officers had themselves survived to enjoy the honours; and he thought that the example which had been set by the East India Company of giving pensions to the widows of deceased officers who fell in the execution of their duty might very properly be followed by the Government. This observation appeared to him to be particularly applicable to the present case, for General Havelock—to whose heroism and intrepidity they were paying a tribute—might be at that moment beyond the influence of earthly reward and earthly praises. In such a case he was sure that it would only be in accordance with the wishes of the Sovereign that an annuity—either of one-half that conferred on the husband, or of some other amount—should be bestowed upon the widow; and, seeing the strong feeling that there was in the House upon the subject, he hoped that the Government would introduce some provision of that nature.

Bill read 2°, and *committed* for *To-morrow*.

House adjourned at half after Eight o'clock.

HOUSE OF LORDS

Friday, December 11, 1857.

Minutes.] 3ª Bank Issues Indemnity.

ALLEGED REVIVAL OF THE SLAVE TRADE—THE FRENCH COLONIES. QUESTION.

The Earl of SHAFTESBURY said, seeing his noble Friend the Secretary of State for Foreign Affairs in his place, he would ask him a question relative to the state of the contract supposed to exist between a house in Marseilles and some African chiefs for the supply of free emigrants to the French colonies. It had been reported that this contract had been ratified by a decree of the Imperial Government, and the people of England were fearfully alive to the probable, nay, almost certain revival of the horrors of the African slave trade. He wished to ask how far this report was true; whether, if the decree had been issued, there was any hope of its revocation, and generally what was the position of the whole matter?

The Earl of CLARENDON said, in answer to the questions of his noble Friend, he had to state that he had no reason to believe that the decree to which his noble Friend alluded had been issued; but he believed there was no doubt that a contract had been entered into by the French Government and a certain firm for the supply of negroes to the French colonies, which only received the sanction of the Imperial Government on

condition that it was to be *bonâ fide* a free emigration. That the condition thus imposed, and which he was sure had been imposed by the French Government in perfect good faith, should be fulfilled was perfectly impossible. There could be no such thing as a free emigration from Africa. We ourselves had tried the experiment sixteen years ago, and with every precaution and every safeguard to prevent abuses, so as to secure the freedom of the African labourer on his passage, and his proper treatment while employed in our colonies, as well as to guarantee his return home at the expiration of his engagement if he wished it. Notwithstanding all these safeguards the plan utterly and entirely failed, and it was not likely that it would ever succeed under any circumstances. But this was what the French contractors were compelled to do. They engaged with the African chiefs to supply a certain number of slaves at so much a head, who were placed on board of ship, when a certain formality was gone through, with the view of ascertaining whether they were willing to work at stated wages, and for a limited time, in the French colonies or not. Now, whether the negroes understood that question or not, it was manifest that when once on board of ship they had no choice in the matter. Besides, the result was, that by this system the French contractors were brought into competition with the regular slaveholders, who offered ninety dollars a head for slaves, while the French contractors had only the power to give fifty dollars. There had in consequence been a failure of the contract; but that in no way altered the character of the transaction, because if slaves were to be procured at all, it must be by purchase, and they could not be obtained unless the chiefs kidnapped negroes or made war upon their neighbours, it being, of course, a matter of utter indifference to those chiefs whether those slaves, whom they sold to the highest bidders, were manumitted after their arrival in the French colonies, or whether they were worked to death. The wars carried on with that view were of the most barbarous character, and caused great loss of life. Whole districts were depopulated, and not one-half of those captured survived the sufferings they met with on their way to the coast. The French contractors said that it was an act of humanity to the negroes themselves to give them that opportunity of emigrating to places where they could be profitably employed; but in point of fact it was the knowledge that there were purchasers that placed them in that position. But he would remind their Lordships that it was putting a stop to the legitimate and prosperous trade which within the last few years had sprung up on the coast of Africa in almost every locality in which the slave trade had been carried on, and by which the natives of Africa were greatly benefited. In the spring of this year he (the Earl of Clarendon) received two despatches on this subject, which were of such great interest and contained such full and valuable information as to the trade in palm oil that he did not wait to have them published in the regular course, but laid them at once upon the table of their Lordships' House. Since that time he had ascertained that the trade at Lagos in palm oil had increased 50 per cent, and now amounted to upwards of £2,000,000 a year. But the whole of this rising trade, and this increasing prosperity to the Africans was now threatened with destruction if this system were carried on. There were now extensive preparations for war being made in all the countries from which the slaves were brought, and as the matter was one of so much interest and importance he would read a very short extract from a despatch which he had received from Mr. Campbell, the Consul at Lagos. Mr. Campbell, at the beginning of September last, wrote, in allusion to the contract of M. Regis, that,—

> "Unless the intention of purchasing slaves at Whydah is abandoned we shall have the whole of the Youraba country plunged into warfare to supply the demand of the slave market at Whydah. The example of the people of Abeokuta is to be followed by the people of Ibaddan, who are preparing to attack the Jaboo country, and, as a preliminary step, several Jaboos peacefully attending the market at Ibaddan have been seized, some put to death, others sent to Whydah for sale, and all intercourse between the two countries has been stopped by the closing of the paths and roads, and if the speculation of M. Regis is carried out it will be followed by other countries."

But the people of that country had during the last thirty years acquired such a taste for industrial pursuits, and had become so much alive to the advantages arising therefrom, that it was with the utmost reluctance they were now induced to engage in wars, while formerly every

man was eager for strife and plunder, and the chiefs were now actually compelled to suspend all trade, and to deprive the people of all means of livelihood, before they could induce them to engage in hostilities. In order to prove that fact, he would read an extract from a proclamation issued by the chief of Abbeokuta :—

"1. In order to procure a large army for the Albo war, soon to be undertaken, trade must be stopped now, and during the war nothing must be sold and nothing bought.

"2. In order to this the passengers by land and the river to Ijai, Ibaddan, Lagos, and other adjacent towns that trade with Abbeokuta must be stopped.

"3. No canoe shall be allowed to appear in the river, excepting the missionaries', who are no traders.

"4. That instant death on the spot be the penalty inflicted upon violation of any of these rules."

It was not necessary to enter into further details, but he thought he had said enough to prove that the Government were alive to the dangers of any such scheme as had been alluded to. It would, therefore, be readily understood that they had felt it their duty to bring the matter under the serious consideration of the French Government, not doubting that that Government felt an equal abhorrence of any attempt to revive the slave trade, and also not doubting that although no convention existed at this moment between the two countries, yet that the French Government would feel itself bound to act upon the spirit of the Declaration made by the great Powers that the slave trade should exist no more in any of their colonies, and that they would prevent their subjects from engaging in it directly or indirectly. The British Government told the French Government that they believed the latter had proceeded on erroneous information, and only required to be put in possession of facts to be induced to put an end to a system, which, however benevolent in intention, must inevitably lead to great danger of a revival of slavery. The answer of the French Government had been, that while they fully admitted the engagement to discourage slavery to be binding upon them, yet they did not consider the steps which were in progress to obtain a supply of free labour for their colonies constituted any violation of that engagement, but that, on the contrary, it was an act of humanity to procure that labour in an honest and open manner, which otherwise would be procured with all the horrors of a clandestine slave trade. At the same time the French Government desired that there should be no abuse of the system, and they would take into their serious consideration the representations which had been made to them by Her Majesty's Government, in order to stop any inconveniences which might arise. The French Government also admitted that, although there was no treaty between themselves and this country, yet they were bound to act up to the spirit of the Declaration of the Congress, and that they were now as anxious to put an end to the slave trade as they were in 1815. That Declaration was so short that he (the Earl of Clarendon) thought it would be useful at the present time to recall its terms to the public mind. The Declaration of the eight Powers in 1815 was,—

"That the Plenipotentaries assembled at this Congress cannot do greater credit to their mission, better fulfil their duty, and manifest the principles which actuate their august Sovereigns, than by endeavouring to carry this engagement into effect, and by proclaiming, in the name of their Sovereigns, their wish of putting an end to a scourge which has so long desolated Africa, degraded Europe, and afflicted humanity. Consequently, &c., that the engagement reciprocally contracted in the present Declaration between the Sovereigns who are parties to it cannot be considered as completely fulfilled until the period when complete success shall have crowned their united efforts."

To that Declaration the French Government had expressed its emphatic determination to adhere. He had now stated the actual state of affairs, and thought, after the assurances of the French Government, there was great reason to hope that at no distant day the system which had created such universal consternation among the well-wishers of Africa would be entirely abolished.

The Earl of DERBY said, he did not doubt the sincerity of the French Government when they stated their belief that in sanctioning this system they had no idea of a revival of the slave trade. Every one, however, who was acquainted with the subject was fully aware that, as the noble Earl had said, a supply of free labour from Africa was absolutely impossible. Whatever precautions might be taken, with whatever safeguards the system might be surrounded, it would speedily become a slave trade in disguise

so thin and transparent that it could deceive no one with the slightest experience. It was well known that in Africa the people had no power to dispose of themselves, and a supply of labour could only be obtained thence either by direct purchase or by the indirect method of enabling the labourer to pay the chief for a licence to quit the country, which, in fact, was a sale by the chief of the man whom he allowed to be taken away to the man who made arrangements to pay for the licence—and that resolved itself into the slave trade. There was only one portion of the answer of the noble Earl which was not perfectly satisfactory, and that was the statement that the French Government, while expressing its determination to adhere to its engagements to suppress the slave trade, still did not consider that the scheme which had been referred to came at all under that denomination, and that therefore they could not feel bound to discountenance it. The noble Earl had not given the House to understand that he had been able to prevail upon the French Government to put an end to the system which was objected to, but only to the extent that they would put an end to all the inconveniences attaching to the system. He (the Earl of Derby) emphatically declared his full conviction that, surround such a system with all possible safeguards, it would be impossible to prevent abuses—that there was no way to put an end to the abuses but to put an end to the system itself. The French Government were deceiving themselves and ignoring the lesson derived from the experience of this country if they did not perceive that the maintenance of the system as it now stood was identical in substance, if not in form, with maintenance of the slave trade itself.

THE EARL OF CLARENDON: I was extremely desirous, in replying to the question of my noble Friend, not to overstate, and therefore I gave as nearly as possible the words used by the French Government; but I have reason to believe, although I cannot at present venture to state, that the present scheme will be abandoned at no very distant period.

EARL GREY hoped and trusted that the system which had been brought under their notice would be speedily abandoned, for there was no possibility of dealing with it by halves. He relied fully upon Her Majesty's Government not to allow this matter to sleep. It would of course be improper under present circumstances to ask that the correspondence should be produced; but if, unhappily, the result of that correspondence should be unsatisfactory—a result which he would not for a moment believe possible, for it would be disgraceful to the great nation with which it was carried on—then he hoped the papers would be laid before the House, as the only means which they had of acting upon a great country like France was to publish the whole proceedings, and submit them to the judgment of the whole civilized world. He would only add a few words from his own experience. During the time he had the honour of holding the seals of the Colonial Office the subject of free labour had been frequently brought under his notice. He was urged over and over again by persons connected with the West Indies to permit free labourers to be imported from the coast of Africa. The Government of that day were anxious to do all in their power to relieve the colonies, and agreed to fit out a steamer and make an endeavour to procure labourers. They sent persons in whom they had confidence to the African coast, and adopted every measure which was suggested to them, save one. It was urged that it would be an act of humanity to ransom the unhappy prisoners taken in war, as they would be in a better condition as labourers in the West Indies than as captives in Africa; but he (Earl Grey) always said that it was against the plain principle that "you can't buy stolen goods without sharing the guilt of the thief." Upon that plain principle the Government would not allow a shilling to be given either to the immigrant on board the ship or to the chief on the African coast. Upon these conditions, however, only some twenty or thirty Kroomen were induced to embark, and the result of that experiment was, in his opinion, sufficient to show what might be expected to happen at the present day. He should only add that this was, in his opinion, a moment when especial care should be taken to prevent so iniquitous a scheme as that which was said to have been set on foot from being carried into execution, inasmuch as it would appear from the representations of those distinguished travellers who had recently returned from Africa that civilization was beginning to penetrate into the heart

of that great continent—a state of things which it was desirable to foster, instead of promoting a scheme by which the progress which had begun to manifest itself was sure to be checked. The question was one of the deepest importance, not alone to England, but to the cause of civilization throughout the world, and he therefore hoped that many weeks—nay, that many days—might not elapse before his noble Friend would be in a condition to declare that the Government of France repudiated all connection with the movement upon which it was reported to have embarked.

THE DEBATE ON THE ADDRESS.

FURTHER EXPLANATION.

The Earl of DERBY said, that as that was probably the last evening on which their Lordships' House would meet before the Christmas holidays, he wished to say one word, and he trusted it would be the last, in reference to the extraordinary controversy which had arisen out of the statement made by him on the first night of the Session. In the first place, however, before he proceeded to the particular statement to which he referred, he must correct two inaccuracies into which he had been led in making that statement, although they were not of much importance to the argument he was supporting. He had stated that the first offer made to the Government to send troops across the Isthmus of Suez was made by the Peninsular and Oriental Company. He believed the fact was, that it was made by the European and American Company in July, and was rejected by the Government. It was singular that in the papers laid on the table within the last few days he found a letter from the Governor General, dated August 7, in which he stated that if the Government were not in communication with the Peninsular and Oriental Company, the Government of India were, and that he fully expected that the Home Government would avail themselves of the advantages offered by that route. [The noble Earl read a passage from Lord Canning's despatch, from which it appeared, that, supposing the Government at home might send troops *viâ* Suez, he had communicated with the company on the point of bringing them on to India by their steam-boats, and that they had informed him that each vessel would carry 600.] The other inaccuracy into which he had been led was this. He had stated that the time when the offer of the Peninsular and Oriental Company to send troops overland was made was in the latter end of August, whereas he found by a letter from Mr. Willcox that the offer was made on September 6, and accepted September 8. The third question to which he wished to call attention was the much controverted letter said by him to have been written by the President of the Board of Control to the Directors of the Peninsular and Oriental Company. Even up to that moment he was unable to explain the discrepancy which exists between the noble Earl's denial of the accuracy of my statement and the information on which that statement was based. As my noble Friend (the Earl of Hardwicke) stated to the House the other evening, he made to me in November last the statement he (the Earl of Derby) had made to the House. It appeared, however, to him to be so incredible that he took no further notice of it. When, however, he (the Earl of Derby) came to town, he had the same statement made to him in another quarter, and he then began to think that it was necessary to make some further inquiry into the matter, and he then held in his hand the original of the first written communication he received on the subject after he arrived in town. He would rather not mention the name of the gentleman from whom it proceeded: it would probably be sufficient when he stated that he was a gentleman of character and position. The part of it which was material was as follows —

> "When the negotiations were completed, the arrangements all made, and the men getting ready, all having been settled between the Peninsular Company and Captain Sheppard, on behalf of the East India Directors, so little did Mr. Vernon Smith know of what was in progress, that he wrote to Mr. Anderson, to inquire of him whether it would then be possible to organize some such plan as had been already organized and brought into operation without the knowledge of Mr. Vernon Smith, or of the Board of Control. Mr. Anderson told me that in reply he informed him that it not only could be done, but that it had been done."

He still thought there must be some mistake, and he therefore begged his informant to go to Mr. Anderson and ascertain whether the statement was undoubtedly correct. In reply, he was informed that Mr. Anderson had left England on his way to Egypt, but that his informant would have an opportunity of

seeing another director in the course of the day, and would ascertain the truth from him. The gentleman to whom he referred came to him at eleven o'clock on the night before Parliament met and told him that he had seen Mr. Allen, another director, that day, and that he had confirmed the fact that Mr. Anderson had made that statement. He (the Earl of Derby) believed that Mr. Anderson was said to have made this statement not only to the person from whom he heard it, but publicly in various quarters. After hearing this confirmation of the story he (the Earl of Derby) thought himself entitled to make the statement he had done on the first night of the Session. He thought the noble Earl (Earl Granville) did not so absolutely contradict it as to say there could not be any foundation for it, but he gave it such a contradiction as led him to send for his informant the next day, and he then learnt that Mr. Anderson was still in Paris, on his way to Egypt. He accordingly begged his informant to write by that post, and he had now in his possession a copy of the letter which he wrote to Mr. Anderson, stating the contradiction which had been given to his (the Earl of Derby's) statement, and requesting him to mention how the fact really stood. That letter was written on Tuesday, and necessarily no answer could yet have been received; but it was remarkable that, although Mr. Anderson was in Paris at the time when the report of the debates reached him, and had written over to England after seeing the statement which he made in Parliament, he had not in the slightest degree repudiated the allegations he made. Mr. Anderson now appeared to have left Paris and gone on his way to Egypt. He had, however, in his hand a letter from Mr. Allen, which he received yesterday, but had retained until that day, expecting that a reply would be received from Mr. Anderson. In the letter from Mr. Allen, that gentleman stated that Mr. Anderson was under the impression that after the arrangements for sending troops by the Suez route had been made, the right hon. Gentleman the President of the Board of Control wrote to make inquiries of the Peninsular and Oriental Company as to the possibility of making them; but he added that from subsequent inquiries, made at the office of the company, coupled with the declaration of Mr. Vernon Smith, he (Mr. Allen) "had no hesitation in saying that there must be some misapprehension on the point on the part of his colleague." Thus, while this gentleman intimated his belief that there was a misapprehension on the subject on the part of Mr. Anderson, he recognised the fact that there was an impression on Mr. Anderson's mind that there had been such a communication and answer as had been referred to. He confessed, for his own part, he did not understand how such a thing should be the subject of an impression. A man could hardly be under an impression that he had received and answered a letter; and even supposing the communication was a verbal one, he must know one way or the other whether he had received and replied to it. The statement that there was such an impression on Mr. Anderson's mind vindicated the person on whose authority he made the statement, and who naturally supposed that he had received the fact from a source that could not be mistaken. Mr. Anderson had now gone to Egypt, and any further inquiry must be a matter between him and the President of the Board of Trade. Or, possibly, Mr. Anderson on his return might have an opportunity of explaining the matter before the Committee of the other House, which was about to inquire into the subject. But as the thing stood, and after the declaration of his noble Friend opposite, and the denial of the right hon. Gentleman himself, he (the Earl of Derby) felt, as a man of honour, bound to give the President of the Board of Control the full benefit of his explicit denial, and to express his regret that he should have made a statement which could not but be injurious to him in his public capacity. He believed, however, that their Lordships would be of opinion, not only that he did not make the statement without believing it to be true, but also that he did not make it except after such inquiry and upon such authority as fairly led him to suppose that it could not be successfully contradicted. He repeated, however, again that he now felt bound to give the right hon. Gentleman the President of the Board of Control the fullest credit for his disclaimer, and to assume that some incomprehensible misunderstanding must have led to the statement which was made to him, and which he repeated.

Earl GRANVILLE said, that he was

from the first quite sure that any misstatement made by the noble Earl was perfectly unintentional on his part; and after what he had stated the other night, and again that evening, he (Earl Granville) was quite ready to admit that the noble Earl had apparently ample ground for making the statement he did. The noble Earl seemed to have made several inquiries, the answers to which were of such a nature that he might have well believed they were true, and correctly represented the facts of the case. At the same time he (Earl Granville) was prepared to deny that there was any truth in the statement. When the noble Earl made the charge against his right hon. Friend, he (Earl Granville) might have contradicted it at once, but not exactly in the decided manner he could have wished to have done; but seeing his right hon. Friend (Mr. Vernon Smith) at the time in the House, he sent a message to him asking him whether the statement made was true or not. The answer he received was, it was not true. Of course thereon he contradicted the statement; but in consequence of the extreme positiveness of the noble Earl's manner, and the positive face he put upon it—knowing too how often and how easily mistakes and misunderstandings arise—he did not contradict it so decidedly as he might have done, but contented himself with a simple denial of the charge, and refrained from making any violent assertion. Since then he had seen his right hon. Friend, who told him that he had not the slightest recollection of having written such a letter, or of having received such a reply, as were stated. He had also questioned his private secretary and the Secretary of the Board of Control, with the same result. His right hon. Friend had then, he believed, placed himself in communication with the secretary of the Peninsular and Oriental Company. That functionary had also expressed himself wholly ignorant of this alleged correspondence. The gentleman, therefore, whose name they did not as yet know, had furnished the information which, he said, he had received from Mr. Anderson, who was now abroad, and upon which the noble Lord opposite had founded his statement. The noble Earl said that this person had gone to Mr. Allen to obtain corroboration of what he had stated, that he had returned from that gentleman and said Mr. Allen had informed him that it was all correct. Such a statement was somewhat extraordinary, inasmuch as it was in direct contradiction to Mr. Allen's version of the affair.

The Earl of DERBY: I beg the noble Earl's pardon. I did not say that this gentleman stated that Mr. Allen had declared the information to be perfectly true, but that Mr. Allen knew that Mr. Anderson had made such a statement.

Earl GRANVILLE: Therefore, when all the reasons were given, he felt it impossible that this letter could have been written, or the alleged reply have been given. Under all the circumstances of the case, he must protest against his right hon. Friend the President of the Board of Control having imposed upon him the burden of taking any further steps in the matter to clear his character, because the gentleman who gave the information, and whose name they did not know, was now bound to substantiate his case if he could. Having said thus much, he begged to acknowledge the courteous and cordial manner with which his noble Friend, in the most honourable manner, had acknowledged his own inability to substantiate his statement, and expressed his regret at having, under such circumstances, made the statement so injurious to the official character of the right hon. Gentleman. He begged to thank the noble Earl for that acknowledgment.

BANK ISSUES INDEMNITY BILL.

THIRD READING—BILL PASSED.

Order of the Day for the third reading read.

Lord STANLEY of ALDERLEY said, their Lordships had been already informed in the Speech from the Throne of the reason why Parliament had been called together at this unusual period of the year, and the subject-matter of the Bill of which he was now about to move the third reading. Under these circumstances he would endeavour to state briefly the effect of the law as it at present existed respecting the Bank of England and the currency. Previously to 1844 the Bank of England, the country banks, and the banks of Ireland and Scotland, were empowered to issue any amount of notes, without any condition except that of their convertibility into cash. The consequence was,

that during that period many inconveniences resulted; great disturbances took place in monetary and commercial affairs. It was felt that an alteration was required, and Sir Robert Peel, in 1844, introduced that Act which at present governed our banking operations. Its main provision was, that the Bank of England was restrained from issuing any notes beyond the amount of £14,000,000 except as representing bullion actually in the Bank coffers, and this was afterwards practically extended by the sum of £475,000, for the lapsed issues of country banks, which had been discontinued. It was hoped that the passing of this measure, affecting the Bank of England and the country banks, would secure us against the recurrence of those financial convulsions and crises which had previously existed, would maintain a guarantee for the convertibility of paper into coin, and prevent an excess of paper money, with all its injurious consequences. In 1847, however, in consequence (as it was, I believe, generally admitted) of the great railway speculations at the time, and of the large exports of bullion which took place for the purchase of corn abroad, the state of the money market was such that the Government felt it their duty to sanction a departure by the Bank from the Act of 1844 as it affected their issue of paper, in order to preserve the country from grave disasters. The effect of the letter then written by the Chancellor of the Exchequer to the First Lord of the Treasury was such that it at once dissipated the panic and restored confidence, and the Bank did not find it necessary to exercise the privilege thus conceded to them. But though no indemnity was required, the Government felt that Parliament ought to be called together to ask them either to sanction or censure their proceedings. Here he might perhaps take the opportunity of stating what the opinions of Sir Robert Peel were in regard to this Act. Sir Robert Peel on that occasion showed that, though he considered the Act of 1844 likely to guarantee us against an excess of paper, while at the same time it would ensure convertibility, he never thought the Act would prevent a recurrence of those commercial difficulties and financial crises which must more or less exist on particular occasions in any country where credit existed to the extent it prevailed in this country. These were his words:—

"The Ministers were not wild enough to suppose that this measure would prevent all undue speculation, or ensure an invariable paper currency; but there was a species of speculation dependent on an undue issue of paper which they hoped the measure would check. Speculation could not be prevented in a commercial community, but it might be aggravated by a species of paper credit within the control of Parliament; and though Ministers did not aim at checking legitimate speculation — though they admitted they could not prevent illegitimate speculation, which was perhaps necessarily incident to mercantile enterprise, particularly in a country like this—still they asked Parliament, by assenting to this measure, not to aggravate evils which it could not control, nor refuse to check those which came properly within its jurisdiction."—[3 *Hansard*, lxxv. 868.]

Sir Robert Peel also observed (and this would show the views with which he originally introduced the measure):—

"I say, then, that the Bill of 1844 had a triple object. Its first object was that in which I admit it has failed—namely, to prevent, by early and gradual, severe and sudden contraction and the panic and confusion inseparable from it; but the Bill had two other objects of at least equal importance — the one to maintain and guarantee the convertibility of the paper currency into gold; the other to prevent the difficulties which arise at all times from undue speculation being aggravated by the abuse of paper credit in the form of promissory notes. In these two objects my belief is that the Bill has completely succeeded. My belief is that you have had a guarantee for the maintenance of the principles of convertibility, such as you never had before. My belief also is, that whatever difficulties you are now suffering, from a combination of various causes, those difficulties would have been greatly aggravated if you had not wisely taken the precaution of checking the unlimited issue of the notes of the Bank of England, of joint-stock banks, and private banks."—[3 *Hansard*, xcv. 657.]

Such were the opinions of Sir Robert Peel, and most important they were in considering this question. At the same time Mr. Herries moved a Resolution which expressed the opinion of the House of Commons, that the course taken by the Government of the day was a judicious one. The Resolution was to this effect:—

"That looking to the state of distress which has for some time prevailed among the commercial classes, and to the general feeling of distrust and alarm by which the embarrassments of trade have been aggravated, it is the opinion of this House that Her Majesty's Ministers were justified, during the recess of Parliament, in recommending to the Bank of England, for the purpose of restoring confidence, a course of proceeding at variance with the restrictions imposed

by the Act 7 & 8 *Vict.*, c. 32. That this House will resolve itself into a Committee upon the said Act."—[3 *Hansard*, xcvi. 803.]

This Resolution was carried without a division. But a Select Committee was appointed to inquire into the subject, and in their first Report, dated June, 1848, they said :—

"The issue of that letter was no doubt an extraordinary exercise of power on the part of the Government, but the House has decided that in the peculiar circumstances of the period they were justified in taking that step."

He would therefore take it for granted that Parliament and the Government were justified in adopting the course they then took. Since that period their Lordships had had full opportunity of observing the effects of the Act. It had completely succeeded in its two essential objects—it had completely secured the convertibility of the note, and it had prevented an over-issue of paper. It had not prevented the occurrence of financial crises, but he believed that it was not within the limits of human legislation to frame any law that would effectually prevent such calamities. Situated as this country was, and having transactions with every part of the world, it was liable to be acted upon either by monetary panics or commercial disasters occurring in foreign countries, caused by vicious and unwise legislation, or other circumstances over which our legislation could have no control, for example, as that which had recently occurred in America, where there were unlimited paper issues unchecked by Government control, and without any Government paper in circulation, and where there had taken place disasters that almost led to the total destruction of commercial relations in that country. What occurred in America reacted upon England, a country where there was a well-regulated convertible paper circulation; but the influence it exerted was still more terribly felt in Hamburg, where there was a metallic currency; thus showing that not even a purely metallic currency could protect a country from those periodical distresses that occasionally occurred. It would therefore appear that the crisis through which this country had passed must be attributed to some other cause than that of the state of the currency, as America with her unlimited paper issues, England with her restricted paper issues, and Hamburg with her purely metallic currency, had alike experienced the severest pressure. With regard to the recent crisis in this country he might state that though there were difficulties in obtaining money—the rates of discount being high—there was nothing in the commercial position of the country previous to the end of October that at all called upon the Government to take any extraordinary steps. He mentioned this circumstance in consequence of what had been said in another place, that the Government, possessing a department such as that of the Board of Trade, ought to have foreseen what was about to take place, and should sooner have taken precautionary measures. The crisis, the worst part of which he trusted was now over, began with the breaking of the Borough Bank of Liverpool in the end of November, and the failure of the very large house of Dennistoun and Co., followed up by that of the Western Bank of Scotland, which was engaged in very large transactions with America. The City of Glasgow Bank also failed, and matters assumed a very serious aspect. The consequence was that on the 11th of November it became necessary for Her Majesty's Government to consider what steps should be taken in the monetary condition of the country. Now, if the circumstances of 1847 justified the intervention of the Government of that day, he thought he should be able to show, from a comparative statement of the condition of the Bank of England in that year with what it was in the present, that there was yet more urgent reason for interfering in November last. In October, 1847, the amount of bullion in the Bank of England was £8,313,000; in November, 1857, it was £7,171,000. In October, 1847, the reserve of notes was £1,547,000; in 1857, £957,000. In 1847 the reserve of coin was £447,000; in 1857, it was £504,000. In 1847 the private deposits amounted to £8,580,000; in 1857 they amounted to £12,935,000. In 1847 private securities were £19,467,000; in 1857 they were £26,113,000. It must be obvious to their Lordships that if assistance had been refused, and the Bank of England had continued to act upon the law, the most prejudicial consequences must have followed to commerce. Such was the state of things on the 11th of November, and on the 12th the Government, on their own responsibility, and from a full consideration of the emergency of the

case, issued their letter. The Bank, on the 11th of November, had £958,000 of notes in reserve, while on the 12th of November the reserve of notes was only £131,000; so that the necessary commercial accommodation could not have been given, and in such circumstances he left to the imagination of their Lordships to conceive what would have been the consequences. He did not believe that any Government that could have existed in this country would have ventured to withhold the suspension of the law for twenty-four hours longer, without producing irretrievable ruin. No doubt the effect might have been to destroy a villanous system and clear somewhat the commercial atmosphere; but instead of Government now meeting Parliament to get a Bill of Indemnity for having infringed the law, they would have exposed themselves to the severest censure for having enforced it. The Bank of England were obliged immediately to act upon the letter of permission to suspend the law transmitted to them by the Goverment, but they acted upon it merely technically—that was to say, they transferred from the banking to the issue department £2,000,000; on the 12th November £1,000,000 was transferred, and on the next day another £1,000,000. But the Act of Parliament was only technically violated to the extent of £2,000,000, because in fact the amount of notes actually issued was not at any time to that extent in excess of the £14,500,000. He would read a statement which would show that the increased amount of notes actually in the hands of the public was much below that sum, and that the actual amount of notes in circulation had been very little above what it was before. The excess of notes issued to the public not represented by bullion on the 13th of November was £186,000; on the 14th of November, £622,000; on the 16th of November, £860,000; on the 17th of November, £836,000; on the 18th of November, £852,000; on the 19th of November, £896,000; on the 20th of November, £928,000; on the 21st of November, £617,000; on the 23rd of November, £397,000; on the 24th of November, £317,000; on the 25th of November, £81,000; on the 26th of November, £243,000; on the 27th of November, £342,000; on the 28th of November, £184,000; on the 30th of November, £15,000. On the 1st of December the number of notes was exactly the same as before the Act had been infringed. Last night (the 10th of December) the total amount of bullion in the Bank was £8,200,000, and the reserve of notes £4,650,000. This beneficial effect had been produced in no small degree by the Government not having given permission to the Bank to transgress the law at an earlier period. He believed that one of the most important provisions of the Act of 1844 was that by which the Bank was induced to raise the rate of discount whenever the exchanges were going against us; by which means the exchanges were righted and gold prevented from leaving the country. On this occasion and before the Government issued their letter the exchange had already taken a turn and the export of gold was checked; while since that time matters had improved and gold was gradually coming in. It would be matter for future consideration how far any future regulation should be made for a relaxation of the provisions of the Act of 1844, but he thought that on no occasion should such relaxation be granted unless the exchanges had already turned in our favour, so as to secure the country against what might prove an aggravation instead of a diminution of the evil sought to be remedied. The Government having, under the circumstances he had mentioned, given its sanction to a departure from the provisions of that Act, they now asked their Lordships to pass a Bill of Indemnity for their act, and to the Directors of the Bank for having acted on that authority. In the Bill there was a provision to which the noble Earl (the Earl of Derby) objected, permitting this departure from the Act to continue for twenty-eight days after the next meeting of Parliament, on the condition that the Bank of England should not charge less than 10 per cent discount; but he thought that the noble Earl misapprehended the effect of that provision, because if during that period the Bank of England should no longer require the protection of the present Bill to enable it to issue notes beyond the amount of £14,500,000 unrepresented by bullion, then it would be no longer required to charge 10 per cent discount. Consequently the Bill was not open to the objection mentioned by the noble Earl the other evening, as its operation

would cease as soon as the Bank of England felt itself to be in a condition to reduce its rate of discount, and dispense with the protection of the Act. Nor must it be too hastily decided, because the Act of 1844 had been twice departed from, that therefore it was of no value, and might at once be done away with. He thought that experience, so far from proving that the Act was useless and might be abrogated, only showed that the Act was not able to do that which its original introducers never said it could effect; but in other respects it had completely succeeded, in guaranteeing, for instance, the convertibility of the note and in providing also security against over-issues. He should therefore regret to think that any person should be disposed to get rid of this law, merely because the Government had, under unavoidable circumstances, been compelled to depart from a portion of its provisions. Still, it was well worthy the consideration of the House whether it might not be necessary to introduce some new provision with respect to the circumstances and conditions under which such relaxation as had recently taken place should be exercised—whether it should be exercised by the Government on its own responsibility, or by Order in Council, subject to the approval or censure of Parliament, whether it should be effected by some self-operating system, or whether the object could be obtained by some other means. There were also many other matters in connection with this subject which might very properly be submitted to consideration; such as the circulation of the Irish and Scotch banks, and how far their issue of £1 notes had aggravated, if not created, some of the disasters under which the country had suffered. A noble Friend of his (Lord Monteagle) had said that it would be desirable to introduce into Scotland the Bank of England note as a legal tender; and to some extent he believed that such a measure would diminish the extent of the evil which had been experienced—for immediately on the failure of the Western Bank of Scotland all the other banks there sent up to London for gold in order to make themselves safe. The banks in Ireland also sent for gold; and the consequence was that at the moment of the Bank of England's greatest emergency and agony no less than three millions of sovereigns were sent from this country to the Scotch and Irish banks. Another point for consideration was how far the stringent publication of the accounts of the Bank of England might have a tendency to aggravate the evils of a crisis. These were all matters worthy for grave consideration and inquiry by their Lordships, as well as the causes of the late financial crisis, and whether the mode in which the joint-stock banks had administered their affairs had aggravated the crisis. He should be glad to see, when their Lordships met after the recess, a Committee of inquiry upon these matters appointed. He had now stated the reasons which influenced the Government to take the course they had pursued. They felt that if it was a justifiable course to take in 1847, it was much more imperatively called for now, and they believed that by the step they took they averted great disasters. They believed that they would not deserve to be in the position in which they had been placed, if they had not, incurring a great responsibility, done that which they alone could do, and departed from the strict letter of the Act of 1844. He trusted that their Lordships would give their assent to the third reading of the Bill which he now moved.

Moved, That the Bill be now read 3ª.

Earl GREY said, he did not rise to oppose the third reading of the Bill. Though he agreed in the opinion expressed on a former evening by a noble Friend near him (Lord Overstone), that perhaps in the end it might have been better that they should have gone through the crisis without the Government assenting to a relaxation of the Act of 1844; he knew that practically it was not in the power of any Government to refuse to take the course which had been pursued; and as that was the case, it followed as a matter of course that assent should be given to the Bill of Indemnity. But, while agreeing to the Bill, he must again call their Lordships' serious attention to the unsatisfactory state in which the laws relating to the currency would be left if they passed the present Bill and did not follow it up promptly by further legislation. He was glad to hear that the views of the Government on this subject had been somewhat altered since the debate on the Address. The President of the Council on that occasion informed the House that the Government

contemplated no legislation on the subject; but their Lordships were now informed by his noble Friend the President of the Board of Trade that there were several points in respect to which the Act of 1844 might be improved, and that an opportunity for legislation would be afforded.

Lord STANLEY of ALDERLEY said, that he had not gone that length; he had merely mentioned certain subjects as being deserving of consideration; he did not speak of legislation.

Earl GREY said, he was concerned to find that he had been wrong in supposing from what his noble Friend had said, that the Government were alive to the necessity of further and prompt legislation on this subject, for he (Earl Grey) believed it to be indispensable under the circumstances in which they now stood. He had before endeavoured to convince their Lordships that a second suspension of the most important clause of the Act of 1844 virtually destroyed its authority and moral force. This had become much more manifest since the discussion on the Address. Since that occasion the present Bill had passed through both Houses without opposition, and had been recommended by the Government and supported by Gentlemen of great weight on grounds which made it absolutely impossible for any Government afterwards, in similar circumstances, to avoid acting as the present Government had acted; for it had been laid down that the Government would have been deserving of the deepest condemnation if they had hesitated to take the course they adopted. And further, the present Bill gave not only an indemnity for the past, but contained a provision for the future; for by it Parliament deliberately sanctioned a departure from the existing law for a certain period after the passing of the Bill. He therefore said that after this Bill should have been passed, the Act of 1844 would be virtually repealed, and, if repealed, it was not fitting that it should remain on the Statute-book. It was not becoming to retain a law nominally in force, which it was the avowed intention of all parties to break whenever it should be found convenient to do so. For his own part, however, he objected not merely to this sort of repeal of the provisions of the Act, but he objected to repealing the Act of 1844 at all. He warned their Lordships against sanctioning the principle that in periods of commercial distress the country might legitimately look for relief to an issue of paper money, regulated by no certain principle, and limited only by the discretion of the issuers and the wants of the borrowers. He maintained that this could not be done without endangering at least, if not abrogating, the standard of value. Their Lordships were told that there could be no depreciation of the currency, and no alteration of the standard of value so long as the principle of convertibility was adhered to. He could neither admit this doctrine to be strictly accurate, nor that if it were so it would justify the conclusion drawn from it. In the first place, he would assert that even with convertibility there might be depreciation of the currency. No doubt convertibility limited that depreciation in point of degree and time, and if the convertibility were maintained the ultimate restoration of the currency would be ensured. For a short time, however, and to a moderate degree, a depreciation of the currency might take place, and, indeed, had taken place, contemporaneously with the maintenance of convertibility. This had been clearly shown by his noble Friend near him (Lord Overstone), who asked what was the measure of the value of money but what it would buy? and pointed out that immediately upon the issue of the Government letter the prices of all commodities rose and the rate of interest fell—in other words, that there was an alteration of the value of money by the act of the Government. Admitting, however, that any depreciation that could take place, so long as the principle of convertibility was maintained, must be moderate in degree and limited in point of time, he wished to ask their Lordships what assurance they could have that they would be able to maintain that convertibility, if the principle virtually sanctioned by the present Bill were acted upon in seasons of distress? His noble Friend near him had stated that it would have been impossible for the Government to take the course of suspending the Act of 1844 if the exchanges had not been in a favourable condition. This was obviously true if convertibility were to be adhered to, because if with an adverse state of the exchanges more paper had been issued, there would have been a drain upon the Bank which would soon

have exhausted its last sovereign. But when once the commercial world were taught that in all their difficulties they were to look for relief to an extraordinary creation of Bank paper, beyond the issues provided for by the law, did their Lordships think that commercial men would be long content to forego that relief if a period of great pressure arrived when the exchanges were not in a favourable position? Of course they would look for relief, and precisely the same language would be used as at present, to insist on its being granted, though this should involve an abandoment of the convertibility of our paper currency. They would be told that convertibility was only an abstract principle, that an abstract principle must not be allowed to stand in the way of the safety of the nation, that the demand for gold abroad arose from the necessities of other nations, which must not be allowed to bring ruin upon us, and that we must not permit gold to be demanded from the Bank in order to protect ourselves. The very same arguments which were used on this occasion to induce the Government to suspend the operation of the Act of 1844 might be brought forward in favour of a suspension of cash payments. If Parliament once allowed it to be considered a settled principle of our policy that in periods of commercial distress relief should be given by an issue of paper, they could not hope that many years would pass over their heads without a suspension of cash payments. Let their Lordships observe by what few and easy steps they might arrive at that suspension. Suppose another season of commercial pressure to occur while the exchanges were not unfavourable. There would then be a cry that the country wanted money, the precedent now set would be followed, and there would be an extraordinary issue of Bank paper. But suppose that after that issue of paper had taken place, the exchanges should be so affected by this issue or by other circumstances as to turn them against us, a drain of gold would ensue that they could not possibly correct without contracting the issue. But under such circumstances a contraction of the circulation would cause greater difficulty and greater pressure than would have been felt if they had adhered to the principle from the first. Depend upon it they were taking the first step in the downward path towards the suspension of cash payments when they allowed paper to be issued arbitrarily and at the discretion of any party. Every step in this slippery descent would be easier, and more difficult to resist, than that which went before it, and a very few steps in it would lead them to a suspension of cash payments. It was now universally admitted that when a suspension of cash payments took place in 1797, it was impossible to avoid it. By previous imprudence on the part of the Government and the Bank in the management of the finances and in the issue of paper money the country had been brought to a situation in which no other course remained — when either the Bank of England must be authorised to suspend cash payments or must be compelled to pay away its last guinea, and then to stop. It was thus the country was brought to that suspension of cash payments which neither the Government nor the Bank had deliberately intended to resort to, and had their Lordships forgotten its fatal effects? They all knew that for a time it did not produce any serious results, but they also knew that the country having once embarked in the fatal course of issuing paper money which was not convertible into gold, was tempted soon to abuse that power. Men were found to contend then, as they contended now, that when they had good bills they had a right to have them discounted. But while men were contending that there could not be an excessive issue of paper so long as it was issued only in discounting good commercial bills, little by little our currency diminished in value until a guinea came to be worth 27*s.* or 28*s.*, and even more. For a series of years a grievous injustice was thus committed upon all creditors and persons having fixed incomes. And when at length the nation awoke to a sense of the impropriety of the course it had been induced to take, and began to retrace its steps, what happened? It was found that when the currency of the country was again brought back to its former value, those who had suffered from the original injustice very seldom or never benefited by the tardy justice afterwards conceded; while on the other hand, during the years of depreciated currency, an immense multitude of transactions had taken place in which the country, as well as private individuals, had incurred very heavy obligations. The landed interest more

especially, having made great efforts to meet the demand for corn, had borrowed money for agricultural improvements, and they found that they had to pay 20*s.* for every 15*s.* or 16*s.* they had borrowed. And so also had the nation, for the national debt was increased in the same degree. Thus a fresh and most grievous injustice was committed when cash payments were resumed, and the nation was suffering to this day, and would suffer to the latest hour of its existence, from the effects of these lamentable blunders. Ought not this experience to be a warning, and ought it not to teach us that if the currency were depreciated, results which no one intended or contemplated would follow one after another, until the country would be unable to right itself? If ever their Lordships were doomed to see a suspension of cash payments, it was by such a road as he had pointed out that it would be arrived at. He had no apprehension that any Minister or Parliament would deliberately and of *malice prepense*, if he might use the expression, abandon the standard of value, but he was convinced that if in the management of the currency any departure from sound principle were sanctioned, we should sooner or later find ourselves brought into a situation in which it would be impossible to avoid doing so without greater sacrifices than the country would be prepared to submit to. He asked, therefore, whether they ought to leave the road which leads in that direction open for future Ministers and future Bank Directors by passing this Bill and neglecting to adopt some efficient means for reforming our system of currency? How was that reform to be effected? He had no hesitation in expressing his belief that it was to be accomplished by carrying the sound principle of the Act of 1844 to its legitimate conclusion. As he understood that Act, its principle was this—that a paper currency ought to be assimilated as far as possible to a metallic currency. It was assumed, and justly assumed, that while a paper circulation had great advantages in the way of convenience and economy, in point of uniformity of value a metallic currency was superior to any other; and also that the value of a currency, whether paper or metallic, depended in the first instance on its amount in proportion to the transactions which were carried on. It was also believed that the uniformity and value of a metallic currency arose from the circumstance that it was impossible arbitrarily to limit its amount. The tendency of the precious metals was to flow into or out of any country where the value had risen or fallen until the balance was restored, and if the value of gold or silver was temporarily altered in any country, it was soon made to conform to its general value in the rest of the world, which was determined by the total amount in existence at the time and ultimately by the cost at which it could be obtained. This tendency was so strong that no law prohibiting the exportation of the precious metals could produce more than a very slight effect in preventing this self-adjustment. These assumptions being made, it followed that in order to make a paper currency resemble a metallic in its uniformity of value, its amount ought to be made to vary according to the varying wants of the country by the same laws and in obedience to the same causes. The object of the Act of 1844 was to create a machinery by which the amount of the paper currency might be thereby regulated, and its uniformity of value thus secured. With this view the Act provided that beyond a fixed sum, far below the wants of the country, no paper money should be issued unless in exchange for gold; and, on the other hand, that paper should at all times be convertible into gold. The effect of this arrangement was, that the circulation could only be increased by the importation, or diminished by the exportation of gold; when the state of the exchange made either operation profitable, it was sure to take place precisely as it does when the currency is purely metallic. But, while that provision was perfectly sound in principle, the Act of 1844, unfortunately, was defective in the machinery by which it sought to accomplish the object in view. It still left the issue of paper money in the hands of the Bank of England and of other banks in different parts of the kingdom. The result of this was mischievous, chiefly from its keeping up a false impression in the public mind. It was supposed that as the issue of paper and the business of banking were still united in the same hands, the former was still intended to be used to facilitate the latter, and that, as the Bank of England had almost a monopoly of the right of

issuing paper, it was bound in return for that advantage to afford assistance to men engaged in commercial pursuits. It led to a belief that, as the dealers in money were also allowed to be issuers of money, they might always be looked to for assistance on an emergency, and that commercial affairs might safely be carried on upon the presumption that such assistance would be forthcoming when wanted, a notion to which much of the present commercial distress might be attributed. He would not attempt to follow up that topic in the manner he could have wished, and would content himself by saying that, as the principle of the Act of 1844 was to assimilate a paper currency to a metallic currency, it seemed to him that the first thing that ought to have been done was to assimilate the two in the authority by which they were issued. The Legislature allowed no money to be issued by trading persons; there was a Royal Mint only, which was open to all persons who chose to carry gold there to be coined. But to coin paper money was infinitely more dangerous than to coin gold; and, therefore, to carry out the principle of assimilation, what he would recommend was that they should put an end to all issue by the Bank of England, and by the private and joint-stock banks in England, Scotland, and Ireland, and have one paper currency for the whole United Kingdom issued by public authority in the manner suggested by a petition drawn up with great ability, which had been presented that evening in their Lordships' House from the Bristol Chamber of Commerce. By such a change they would do much to guard against the danger that in some of those seasons of commercial distress to which the country was periodically liable, we might be driven to another restriction of cash payments with all its attendant evils. This danger would become much less than he endeavoured to show that it now was, because, when it was provided that paper money should only be issued in exchange for gold by a public authority and not by the Bank of England, that Bank would cease to be regarded as differing from any other trading company. As it would no longer enjoy any monopoly or peculiar advantages from the State, it would be only reasonable that it should be relieved from any peculiar obligations or restrictions. There would be no occasion for calling upon it for those returns as to the state of its accounts, which had been justly said to create injurious alarm in times of pressure; and it would be made obvious to the commercial world that the Bank, having no resources beyond its capital, which it would be the duty of the Directors to manage as might be most for the benefit of their shareholders, could not be looked to for indefinite assistance by firms in distress, and could no more be expected to take measures to support credit (as the phrase was) than any private bank. He would add that, whoever the managers of the currency might be, they should be appointed by the Crown, but should hold their offices, like the Judges, during good behaviour. If he were asked whether that system would prevent the recurrence of periods of commercial distress, and, if not, whether it would be safe to bind the Government so strictly that, even in the most aggravated cases of commercial distress, they should not be at liberty to adopt the usual expedient for its relief which had been twice found efficacious, he would reply, first, that he could not hope that any change with respect to our currency could prevent the recurrence of periods of commercial distress, because it did not appear to him that these difficulties arose from the present state of our currency; on the contrary, he believed the recent pressure had arisen from that restless spirit of speculation which animated the commercial world, and from the abuse of credit which had taken place in this and other countries, and which he could not help thinking some of our recent legislation had been calculated to foster. As to the second question, whether, anticipating the probable recurrence of such seasons of difficulty as we had now and formerly experienced, he considered it expedient that the Government should be debarred from availing itself of a resource which had been found useful, he had no hesitation in expressing his conviction that it ought to be so. He entertained this opinion because he doubted whether the aid of the Government was ever really useful in such case. He believed that in the long run it would be found that the interference of Government and public authority to support commercial credit would be found to do more harm than good. But, even granting that the interference of the State might sometimes be useful, and that it was right to

recognise the principle that for extraordinary emergencies some extraordinary provision must be made, still, even in that case, he was convinced that no tampering with the currency ought to be permitted. It was clear that the only mode in which the assistance of the Government could be given was by applying the resources and credit of the State in aid of the credit of individuals. No Government could create additional property; all it could do was to transfer whatever there was from one hand to another. If that kind of assistance was to be given, it should be given directly, and not indirectly by authorising the Bank or the managers of the currency, whoever they might be, to issue paper money for the purpose of supplying the means of giving extraordinary aid. It would be better to authorise the Government, under special circumstances, to issue stock or Exchequer bills, as was done in the Revolutionary War. He believed that during the present distress stock had always been high, and there had never been any difficulty in raising money upon stock at a time when bills could not be discounted, which showed that there was plenty of money in the country, but that bills had become discredited. He hoped that some such step would be taken in future, instead of tampering with the standard of value; for the extraordinary issue of paper money not based upon bullion was, after all, only in a different form, the old resource of barbarous and ignorant rulers, the debasement of the currency. It was just as wise to coin little sovereigns as to authorise an issue of paper not based upon bullion. There was another and important point to which he wished to advert, but which it was not possible upon the present occasion fully to enter upon. His conviction, which he had arrived at many years ago, was, that the prohibition of the issue of small notes in this country was a most injudicious measure, and that no reform of the currency would be complete which did not provide for the circulation of £1 notes in England, as in Scotland and Ireland. He could see no reason why, if paper could be usefully and safely employed for large sums, it should not be used also for small amounts; and he had never heard any argument against the use of £1 notes which did not equally apply to £5 and £10 notes. The present was not the occasion to discuss that subject, or he should not despair of being able to convince the House that the issue of £1 notes would, instead of rendering the currency insecure, tend to make it more secure than it was at present; and if it could be done with safety it was manifest that it could be done with advantage. They would get rid of the anomaly which permitted £1 notes to circulate in Scotland and Ireland, but prohibited them in England—a law which was quite disregarded in the border counties, where Scotch £1 notes were in constant circulation; and upon a late occasion he found himself the holder of some Western Bank notes. If £1 notes were wrong, let them get rid of them altogether; but if they were right, let them circulate everywhere. Another advantage which would arise from the issue of £1 notes was that it would facilitate a change to which he had already adverted—the withdrawal of the existing privileges from the Bank of England and the other banks of issue, and would enable us to have one national currency instead of several currencies managed by several trading corporations. The remarks of his noble Friend (Lord Monteagle) had shown that if there had been one national currency the country would not have been exposed to the great inconvenience which it had lately suffered, arising from the great and sudden demand for gold for Ireland and Scotland. By the issue of £1 notes sensible relief would be afforded to the country at a time when relief was most needed. Although he believed the present distress had been brought about by great imprudence, there could be no doubt but it was a disaster which pressed heavily not alone on those whose imprudence had caused it, but also upon all other classes of the community. The effects were visible on all sides. They saw that large numbers of workmen were thrown out of employment—that the whole course of trade was affected, and yet they knew that the real wealth of the country was perfectly untouched. There could be no doubt but that an issue at the present moment of £1 notes would be of very great advantage. That paper would displace 30,000,000 or 40,000,000 of sovereigns, and there would be an addition to the national capital of a large proportion of those sovereigns. He thought that was a reason why this subject

should be taken up by the Government, and that without waiting for further inquiry they should at once introduce some measure for the consideration of Parliament. He would not now enter further upon this important and difficult subject; but he must impress upon the Government the necessity for considering it during the approaching recess, and of being prepared when Parliament shall reassemble to bring forward some measure upon their own responsibility. He was glad to hear that they were to have an inquiry into the causes of the recent distress; he thought such an inquiry would be very useful:—but he did not think it was necessary to make any further inquiry into the state of the currency. There were other causes of distress which might be usefully inquired into, but as to the currency, they might inquire for ten years, and at the end of that time they would not have arrived at the end of all the people had to say upon the subject, nor would they have added one particle to the information they already possessed. The whole facts were before them; they had all the means for forming their opinions; and therefore he insisted it was the duty of the Government not to throw upon the members of a Committee the responsibility of devising a measure of this kind, but to take the matter into their own hands, and present to Parliament a plan which they had maturely considered and carefully prepared.

Motion *agreed to:* Bill read 3a accordingly, and *passed.*

House adjourned, at a quarter past Seven o'clock, till To-morrow, a quarter before Three o'clock.

HOUSE OF COMMONS,

Friday, December 11, 1857.

Minutes.]—New Member Sworn.—For Kent (Eastern Division), William Deedes, esq.; for Harwich, Robert John Bagshaw, esq.

New Writs.—For Whitehaven, *v.* Robert Charles Hildyard, esq., deceased; for Elgin District of Burghs, *v.* George Skene Duff, esq.

DRAINAGE OF THE METROPOLIS—QUESTION.

Mr. LAURIE said, he would beg to ask the First Commissioner of Works, Whether any, and, if so, what steps have been taken for the purpose of carrying out so much of the Act 18 & 19 *Vict.*, c. 120, as relates to the main drainage of the metropolis?

Sir BENJAMIN HALL: As this is a subject of considerable importance, perhaps I may be allowed to answer the question at some length, and to inform the House of the various proceedings which have taken place in relation to the matter since the Act was passed in 1855. Towards the close of the Session of that year the Metropolitan Act was passed, and under the 135th section it is declared that the Metropolitan Board shall make such sewers and works as they shall think necessary for preventing all or any part of the sewage of the metropolis flowing or passing into the river Thames. The clause goes on to say that, in case of sewers being constructed they shall be covered and kept so as not to be a nuisance or injurious to health; and under the provisions of the next section, the 136th, it is required that before any works are commenced plans shall be submitted to the First Commissioner of Works for the time being, and such works shall not be proceeded with until the plans have received his approval. The Act was passed in August, 1855, and on the 3rd of June, 1856, a deputation from the Metropolitan Board waited on me with a plan for the main drainage of the metropolis, which I supposed would be in conformity with the spirit and intention of the Act. I told them the plan should have immediate attention, but before giving any positive decision I desired to have a Report on the flow of the tide in the river, which I had directed Captain Burstal to make. Captain Burstal's Report was sent me on the 1st of July, and on the 2nd I forwarded a copy to the Metropolitan Board of Works, and informed them that I could not accept their plan for reasons which I stated in a letter, concluding as follows:—

"By the Metropolis Act of 1855 it is provided that 'The Metropolitan Board of Works shall make sewers and works for preventing all or any part of the sewage within the metropolis from flowing or passing into the Thames in or near the metropolis.' But the scheme submitted for the approval of the First Commissioner actually provides that the sewage shall flow into the Thames at a point within the metropolis. It consequently follows that before any such scheme can be carried out it will be necessary to call upon Parliament to repeal so much of the Act of

last Session as provides for the purification of the river Thames within the metropolis. The First Commissioner feels that he cannot undertake to do this, and, considering that the scheme is entirely at variance with the intentions of the Legislature, as set forth in the Act which passed last August, he considers it to be his duty to return the plans which were submitted for his approval."

On the 5th of November last year a second plan was submitted, having an outfall on each side of the river just outside the metropolitan area, the consequence of which would have been that the sewage would have flowed back with the tide into the metropolitan area. I felt bound to return that plan also. The two plans which they presented were wholly at variance with the spirit and intent of the Act and with the plain intention of the Legislature. In the meantime I had desired Captain Burstal to point out to me the nearest points at which the sewage of the metropolis could be discharged without reflowing into the metropolitan area, and having received that Report from Captain Burstal I suggested to the Board that it would be desirable to have a conference. The conference took place on the 20th of November. I told them that Captain Burstal had reported to me that the nearest points at which the sewage could be discharged without returning with the tide to the metropolis was at Rainham Creek on the north, and one mile above the town of Erith on the south; and that if they submitted plans having those outfalls I should be satisfied, so far as the points of outfall were concerned, inasmuch as it would meet the provisions of the statute and the actual requirements of the metropolis. It may be convenient that I should state to the House that Captain Burstal has such a thorough knowledge of the river that he has recently been selected as the most fitting person to hold the office of Secretary to the Thames conservancy instituted by the Act of last Session. On the 22nd of December, the Board presented to me a third plan, having outfalls at the points suggested by Captain Burstal, and, seeing that they had so far complied with the terms of the Act, I put myself in communication with some of the most eminent engineers in the kingdom. I selected Messrs. Simpson and Blackwell and Captain Galton to report upon the plan, and I gave directions to these gentlemen not only to consider the plan submitted to them, but to consider the whole subject, and if they could devise any scheme for the main drainage better calculated in their judgment to carry out the object to be attained they were to lay that scheme before me. That was on the 31st of December, 1856. I am anxious to lay the exact dates before the House, to show that not a single day's unnecessary delay has occurred in the office over which I have the honour to preside. On the 31st of July last, these gentlemen sent in their Report, and the same day I presented a copy of it to the House. I also sent a copy on the same day to the Metropolitan Board, and I told them that I hoped they would think the plan worth consideration, as it emanated from men so eminent in their profession, and I returned the plan of the Board as not approved. But my disapproval was not based on the ground that the outfalls were at the points indicated on the plan. On the 5th of last month, the Metropolitan Board directed their chairman, secretary, and engineer to wait upon me in regard to the plan of the three referees and the rejection of their last plan. The chairman stated that the Board principally objected to the scheme of the referees on three grounds:—1st. That the main sewers near the outfalls were not covered. 2nd. That the outfall was extended to Sea Reach, and, consequently, beyond the points indicated by Captain Burstal near Erith. 3rd. That the area of drainage was extended beyond the metropolis. I informed the deputation that I had sent the plan of the referees to the Metropolitan Board for their consideration, that I wished them to understand that I was not in any way committed or wedded to the plan, and with regard to the first objection, I stated that I quite agreed that it was desirable that the main sewer should be covered, and there was an end of that objection. With regard to the second, I said that the referees, considering Sea Reach to be the best point of outfall, had inserted it in their plan, and the Chairman of the Metropolitan Board so far acquiesced in this view of the case that he used the words, "it is impossible to deny that Sea Reach is the best point of outfall." With regard to the third objection, the difference between us was this, and I think the House will be of opinion that I am right:—By the Act it is de-

clared that they shall make such sewers as will prevent the sewage from flowing or passing into the Thames in or near the metropolis; and what they contend for is, that when they have disposed of the sewage which is generated within the metropolitan area they have complied with that requirement, and that they are not bound to carry away the sewage created out of the metropolitan area, even though that sewage may actually pass through their sewers into the Thames. I say that that never could have been the intention of the Legislature or the true meaning of the Act, and that it is their duty to intercept all sewage which flows into the Thames within the area under their jurisdiction. In this way the matter stands, and I hope the House will be of opinion that I have properly exercised the powers which were intrusted to me. It now remains for the Board to submit to me another plan. I understand that the Board have appointed two engineers to assist their own engineer in preparing a plan, and I hope it may be of such a character that I shall be able to approve of it.

General CODRINGTON asked, whether it were true that the First Commissioner would not sanction any outfall within Sea Reach?

Sir BENJAMIN HALL: I am quite aware that such a report has been industriously circulated, but there is not one word of truth in it. I have stated that so far as the outfalls are concerned, I shall be satisfied if they make the outfalls at the points indicated by Captain Burstal. But when I was informed that if the Board attempted to make their outfalls at those points great opposition would be given them, I felt it to be my duty to inform the Board of the fact and to state to them that if they attempted to carry out the outfall near Erith they would have much opposition and perhaps some serious difficulties to overcome, but that was a matter for their consideration. If the Board are prepared to meet those difficulties, I shall leave them to be got over by the Board.

MORETON BAY—QUESTION.

Lord ALFRED CHURCHILL said, he would beg to ask the Secretary for the Colonies, Whether there is any intention to erect Moreton Bay into a separate dependency, and if that is the case, whether any legislative measure will be required for the purpose; and further, whether the Government of the new colony will be founded on the principle of responsible government?

Mr. LABOUCHERE said, that it had been determined to separate Moreton Bay from the Colony of New South Wales. There would be no legislation in this country needed for the purpose. With regard to the form of government, it was impossible at present to give any pledge on the subject.

MEDICAL PRACTITIONERS—QUESTION.

Mr. KINNAIRD said, he wished to ask the Vice President of the Council of Education, Whether it is the intention of Her Majesty's Government to introduce any measure after the Christmas recess with the view of amending the laws relating to the practice of medicine and surgery in the United Kingdom.

Mr. COWPER said, it was his intention to introduce a measure regulating the qualifications to be required hereafter from persons admitted into the medical profession.

TRANSFER OF LAND IN IRELAND. QUESTION.

Mr. VANCE said, he wished to ask the Attorney General for Ireland if the Government intend during the present Session, to bring in a Bill to facilitate and simplify the transfer of land in Ireland?

Mr. J. D. FITZGERALD said, that immediately after the recess it would be the duty of the Irish Government to introduce a measure to establish a system of selling estates on an indefeasible title. That measure was now under consideration, and the recommendations of the Commissioners appointed to inquire into the Registration of Titles were also being considered, with a view of seeing whether any of them could be put into operation.

THE BANKRUPTCY LAW—QUESTION.

Mr. HEADLAM said, he would beg to ask the Attorney General, Whether it is the intention of the Government to introduce any amendment of the Law of Bankruptcy in the present Session of Parliament?

The ATTORNEY GENERAL said, that the state of the Bankruptcy Law was certainly one which required amend-

ment. It appeared to have become universally obnoxious, and every one seemed to shun the Bankruptcy Court. He could not say that any measure had been matured on the subject so far as he was aware.

PUNISHMENT OF THE INDIAN MUTINEERS—QUESTION.

MR. A. MILLS said, he would beg to ask the President of the Board of Control, Whether the attention of Her Majesty's Government has been called to the question of transporting a certain number of the mutineers in India to such of the West Indian or other colonies as may signify their willingness to receive such transported offenders and their families, and to contribute to the cost of their removal; also, whether in the event of any measures for the transportation of such offenders being adopted, the Government of India are empowered to carry out such measures under the Acts of the Governor General in Council of May and June last for the punishment of offences against the State, and military offences?

MR. VERNON SMITH said, that the subject to which the hon. Gentleman had referred was of the greatest importance, and at the same time one of the greatest delicacy, and it had very much occupied the attention of Her Majesty's Government. It would be most desirable, so far as those offenders were concerned who had not been guilty of any massacre—such as robbers, deserters, and the like — that some punishment such as transportation should be devised for them; for in those cases it would be clearly impossible, even if it were desirable, to carry into execution the punishment of death. The punishment of transportation had peculiar recommendations; for it was well known that the Natives—particularly those of high caste—had a great dread of being carried over the "black water," as it caused them to lose all the privileges of their caste. The power of the Government of India only extended to transportation within the limits of the East India Charter, and to such settlements as Penang, and these limits would be clearly insufficient for the present purpose. It would be a matter of extreme delicacy to select the Colonies to which those offenders should be transported; and Her Majesty's Government would not, of course, entertain for a moment the idea of sending them to any Colonies but those which were actually desirous of receiving them. He had invited the attention of the Governor General in India to the subject, and hoped soon to receive a Report from him in reference to it. Of course, limited as the powers of the East Indian Government were with regard to transportation, it would be necessary when any determination was taken to introduce a measure into the Imperial Parliament, giving the necessary powers.

SMITHFIELD MARKET—QUESTION.

MR. HANBURY said, he wished to ask the Chancellor of the Exchequer, Whether the consent of the Government is likely to be given to any proposition of the Corporation of the City of London to build over the site of Smithfield Market, whether for a dead meat market or any other purpose?

THE CHANCELLOR OF THE EXCHEQUER said, he believed it was the intention of the Corporation of London to introduce in the ordinary manner a private Bill for establishing a dead meat market in some part of the town not far from Smithfield. The question might arise whether some small portion of that ground which was claimed by the Crown on the site of the old Cattle Market should be devoted to that purpose. The Government, however, had not come to any agreement with the Corporation on the subject, and it was intended to leave the matter entirely to the decision of the Select Committee to which the Bill would necessarily be referred.

DRAINAGE OF THE METROPOLIS. QUESTION.

MR. ADDERLEY said, he wished to ask the First Commissioner of Works, Whether he intends to take any steps for the purification of the Thames, consequent upon the Report of Mr. Gurney?

SIR BENJAMIN HALL said, that by the Act of 1855 the drainage of the Thames was placed under the control of the Metropolitan Board of Works, and, of course, he could not say what that body might do.

REFORM OF THE LONDON CORPORATION—QUESTION.

SIR DE LACY EVANS said, he wished to know when the Government in-

tended to bring in the Bill for the reform of the Corporation of the City of London?

SIR GEORGE GREY said, that he hoped to introduce the Bill immediately after the Christmas recess.

CRIMEAN PRIZE MONEY.

QUESTION.

MR. LAURIE said, he would beg to ask the Under Secretary for War, Whether any prize money is to be distributed to the Army who were engaged in the Crimea?

SIR JOHN RAMSDEN said, that his answer would be the same as that which had been given by his noble Friend at the head of the Government to a precisely similar question rather more than a year ago. His noble Friend then stated that he was not prepared to recommend to the Crown any distribution of prize money, because the booty taken in the Crimea was so small that it would not afford above 2*s*. 6*d*. to each officer, and 6*d*. to each private.

INDIAN PRIZE MONEY—QUESTION.

MR. LAURIE said, he would now beg to ask, Whether the Queen's troops now in India, who take possession of treasure, will have prize money allotted to them?

MR. VERNON SMITH said, that in the event of treasure not the property of British subjects being taken possession of by the troops in India, he had no doubt that the usual practice would be observed.

DEPARTMENT OF JUSTICE.

QUESTION.

MR. WARREN said, he wished to ask the Attorney General, Whether any and what progress has been made in the arrangements for establishing a Department of Justice, in conformity with the pledge given by the Government in the last Session?

THE ATTORNEY GENERAL said, that shortly after the meeting of Parliament he had laid before the Government certain proposals respecting the formation of such a department, and other important matters of legal reform. He had no doubt that the subject was under the consideration of the Government, and he hoped that when the House met again he should be enabled to give some more satisfactory explanation than he could give at present.

THE STARVING KAFIRS—QUESTION.

MR. BAGWELL said, he would beg to ask the Secretary of State for the Colonies if Her Majesty's Government has received any official account of the famine said to be raging amongst Her Majesty's native subjects in Kafraria, and whether any steps have been taken to alleviate the sufferings of that people?

MR. LABOUCHERE said, that about a year ago, acting upon the advice of a so-styled prophet who suddenly appeared among the people, a great many of the native inhabitants of Kafraria had been induced to destroy their cattle, and to abstain from cultivating their lands, under the impression that by some miraculous agency an improved breed of cattle would be restored to them, and the fertility of their lands would be increased. The result of the delusion had been most deplorable, destitution of the most dreadful kind having overtaken the native tribes. He was persuaded that the Governor of the Cape of Good Hope (Sir George Grey) and the inhabitants of the Colony had done all in their power to mitigate the effects of the calamity. The Governor had supplied the natives with seed, and many of them had immigrated into the British Colony, seeking for employment. They had been furnished with rations to enable them to proceed thither, committees of the inhabitants had been formed, and many of the natives had been employed as agricultural labourers. At the instance of the Governor, an Ordinance had passed through the local Legislature to protect these people as agricultural labourers, and to facilitate their employment in that capacity. He was persuaded that everything that could be done both by the Governor and the inhabitants of the Colony had been done.

REGISTRAR OF SASINES (SCOTLAND).

QUESTION.

MR. DUNLOP said, he would beg to ask the Secretary of the Treasury, Whether, since the death in the beginning of September of the Keeper of the Register of Sasines in Scotland, consideration has been given, in accordance with the Treasury Minute of 1855, to the arrangements which should be adopted consequent on such an event; and whether it

is the intention of the Government to provide for the performance of the business of the Sasine Office without a new appointment, and by the amalgamation of the office of Assistant Keeper with that of Principal Keeper, now vacant?

Mr. WILSON, in reply, said, that in 1855, on reviewing several offices in Scotland, the Treasury were of opinion that when the office of Keeper of the Register of Sasines became vacant it ought not to be filled up, as the duties were so light that they could be very well performed by other officials. A vacancy having since occurred, the Home Office had communicated with the Lord Advocate on the subject, and as soon as the right hon. and learned Lord reported upon it the result should be laid before the House.

SLAVE TRADE—QUESTION.

Mr. A. MILLS said, he would beg to ask the First Lord of the Treasury, Whether there is any objection to lay on the table of the House any correspondence which may have passed between Her Majesty's Government and the Commissioner at Loanda and the chief officer of the squadron on the west coast of Africa, relative to the slave trade carried on there during the past year under the American flag?

Viscount PALMERSTON, in reply, said, that there was no objection whatever to the production of the papers. They would be included naturally in the slave trade papers which were laid annually before Parliament at a later period of the Session; but if the hon. Member wished for them before that time they should be produced.

PROPERTY DESTROYED IN INDIA.

QUESTION.

Mr. BLACKBURN said, he wished to ask the President of the Board of Control, Whether the Indian Government have resolved to admit the principle that compensation is to be made for property destroyed by the rebellion in India?

Mr. VERNON SMITH was understood to say, that no decision had yet been come to on the subject.

THE CALCUTTA MEMORIAL.

QUESTION.

Mr. WISE said, he would beg to ask the President of the Board of Control, Why Her Majesty's Government have declined to present to Her Majesty the Memorial from the British inhabitants of Calcutta; and what precedent there is for requiring such petitions to be transmitted through the medium of the Governor General?

Viscount PALMERSTON: Sir, as the Memorial to which my hon. Friend refers was addressed to me, probably I am the proper person to answer that question. Finding that it was the invariable rule—and a very proper rule, as I think—that any complaint made against the conduct of a Governor abroad should be transmitted through that Governor, in order that it might be accompanied with such observations and explanations as he might think proper to offer, so that the Government at home might be made acquainted at once with all the matters upon which a decision should be come to, I deemed it my duty to return that petition to those who sent it to me, requesting that they would observe the invariable practice, and transmit it through the Governor General.

QUEEN'S COLLEGES (IRELAND).

QUESTION.

Mr. BEAMISH said, he wished to ask the Secretary for Ireland, When the Report of the Commissioners appointed to inquire into the management of the Queen's Colleges in Ireland may be expected to be laid on the table of the House?

Mr. H. A. HERBERT said, that he was not able to name the exact period when the Report of the Commissioners upon the management of the Queen's Colleges would be laid upon the table, but he had sent to Ireland to inquire, and if he should receive the requisite information before the House adjourned for the recess he would answer the question of his hon. Friend with more precision.

PENSIONS TO RETIRING BISHOPS.

QUESTION.

Mr. GRIFFITH asked the First Lord of the Treasury, Whether it was his intention to bring in a Bill this Session to provide retiring pensions for Bishops resigning their sees, according to his pledge of last Session?

Viscount PALMERSTON said, that the subject was still under consideration,

and that he could give no answer at present.

THE EX-KING OF DELHI—QUESTION.

Mr. HORSMAN: I wish to ask the President of the Board of Control, Whether it is true that when the King of Delhi was taken prisoner an assurance was given him that his life should be spared; and, if so, perhaps my right hon. Friend will inform the House what were the circumstances and what was the authority under which that assurance was given?

Mr. VERNON SMITH: Sir, from the information which we received upon this subject, in the first instance it appeared that the Governor General had given orders that the King of Delhi should be brought to trial, and, if it were proved that he had surrendered on the faith of whoever arrested him that his life should be spared, that he be taken to Allahabad in order to be sent out of the country. Since then a letter has been received from Mr. Saunders, who was appointed Commissioner of Delhi by Sir John Lawrence, in which he states that Captain Hodson did promise to the King of Delhi his life, and that under no other circumstances could they have seized him. In consequence of that promise being made by an officer in Her Majesty's service, it is of course utterly impossible that we can violate the pledge given.

TELEGRAMS FROM INDIA—QUESTION.

Mr. WARREN: I beg to ask, Whether it is true, as rumoured, that the Government have received any additional telegraphic despatches from India, and, if so, to what purport?

Mr. VERNON SMITH: We have nothing beyond the telegrams which have been published in the newspapers.

Colonel KNOX: As there is a great discrepancy between the two telegrams which have been published, perhaps the right hon. Gentleman will inform us which is the correct one. The latest published in *The Times* states, that Sir Colin Campbell crossed the Ganges on the 10th with 1,500 men, and another account states that he crossed on the 9th with 5,000 men. This is a material difference, and I should be glad to know which statement is correct.

Mr. VERNON SMITH: There is no possibility of reconciling these telegraphic despatches. The telegram that comes to us comes through the Consul, and I am bound to suppose that the telegraphic communication, although there may be a mistake in the figures, is correct.

THE ADMIRALTY COURT—QUESTION.

In answer to Mr. Hadfield,

The ATTORNEY GENERAL said, the question of opening the Admiralty Court to the profession of solicitors was at present under the consideration of the Government, and it was probable that a Bill upon the subject would be introduced after the recess.

DR. LIVINGSTONE AND CENTRAL AFRICA.—OBSERVATIONS.

The CHANCELLOR of the EXCHEQUER: In rising to postpone the Order of the Day that the House should resolve itself into a Committee of Supply, I beg permission to make a short statement with respect to a Vote of money for a particular object for which I do not wish that a Vote should be now agreed to, inasmuch as I have already stated that it was not the intention of Her Majesty's Government to ask for any Vote of Supply before the holidays. There is an object, however, which we think is of importance to the public, and which it would be improper to attempt to accomplish without some notice to the House. It is doubtless within the knowledge of the majority of the Members of this House that important discoveries have been lately made in Africa by Dr. Livingstone, and places which had hitherto been undiscovered have been described in the account of his travels lately published. That account has deservedly attracted much attention. It was not within the power of Her Majesty's Government during last Session, owing to no decision having been then arrived at, to propose any Vote for the renewal of his enterprise in the following year; but it is now desired to furnish him with the means requisite for a voyage of discovery upon the river Zambesi. It is stated that such an exploration might lead to important commercial consequences, and that it is a district which is well fitted, among other things, for the cultivation of cotton. There is a ship now ready of such construction as is necessary for ascending that river—that is to say, a ship that will draw but a small quantity

of water. If this voyage of discovery be made this year, from circumstances with which I need not now trouble the House, it would be necessary that the ship should leave this country in January, that it might arrive at the mouth of the river in the month of March. Unless that can be accomplished the voyage must necessarily be postponed to another year. The cost of the expedition we understand is not likely to exceed £5,000. The intention of the Government is to make an advance of that sum from the Civil Contingencies, and to ask for the repayment by a Vote taken in a regular Committee of Supply during this Session. That course having been stated to the House, it appears clear to me that the amount will not be objected to, and that the Government may consider themselves authorised to take that amount.

Question put, That the Order of the Day for the House to go into Committee of Supply, be postponed.

MR. HENLEY AND MR. CHAPMAN.

EXPLANATION.

MR. HENLEY: I wish to take this opportunity of correcting a mistake which I made last week by using the word "rediscounted" instead of the word "redrawn." I had correctly extracted the word "redrawn" from Mr. Chapman's evidence, but unfortunately used the word "rediscounted." The truth is that I did not understand the difference between "redrawn" and "rediscounted," but for my purpose it was quite immaterial which word I used. I had no intention of offering any opinion as to the difference between rediscounted and redrawn bills. As I am on my legs, I may observe that I have no objection to the course proposed by the Chancellor of the Exchequer relative to the expenses of Dr. Livingstone's explorations.

THE ADJOURNMENT—GENERAL HAVELOCK'S PENSION.

VISCOUNT PALMERSTON: I wish to take this opportunity of stating to the House the course which we desire to propose with regard to the adjournment for the holidays. There is no business before this House now, except that which would occupy far more time than remains before the adjournment. With that exception, there is no reason why the House should continue to sit beyond to-morrow. It is our intention, therefore, not to propose the ordinary Motion for adjournment till Monday, because if the debate which is coming on should be concluded to-night, the House might then meet to-morrow to witness the Royal Assent to the Indemnity Bill, and we might then adjourn until after the holidays. The period to which we shall propose to adjourn for the holidays will be Thursday, the 4th of February. Nothing will be gained by meeting on the preceding Tuesday or Wednesday, as those days are not available for public business. We therefore think that Thursday is as convenient a day as can be named. I shall therefore move that this Order as to a Committee of Supply be postponed till Friday, the 5th of February. I wish to take this opportunity of stating our intentions with regard to the next Order,—namely, Sir Henry Havelock's Pension Bill. In making the proposition which we did we were guided by what we thought had been done in other cases, and we were anxious not to overstep what had been the liberality of the House. We have, however, derived very great pleasure, from finding from the discussion which has taken place, that the disposition of the House would authorise us in going beyond what we have proposed, and in making the pension for two lives instead of one. I can assure the House that change would afford quite as much pleasure to Her Majesty's Government as to the Members of this House. That change, however, is one which by technical circumstances would require, I believe, a fresh Resolution of the whole House. It would, therefore, be impossible to carry that through to-night and to-morrow, and even then the Bill would not pass into a law. Therefore I propose to postpone the Committee till after the meeting of the House in February. We understand, however, that we should then have to move that the House resolve itself into Committee in order to propose a fresh Resolution as the foundation upon which we shall amend the Bill in Committee by making a pension for two lives instead of one.

MR. SEYMOUR FITZGERALD said it had been his intention, on the Motion that the Speaker should leave the Chair on Sir Henry Havelock's Pension Bill, to ask permission to make a few observations, which, although they referred to what had fallen from the noble Lord at the head of the Government last night,

were, at the same time, strictly germane to the subject of that Bill. The Order of the Day, it appeared, was to be postponed, but he was unwilling, nevertheless, to allow the House to adjourn for the holidays without addressing a few observations to it upon the subject to which he had adverted. The noble Lord had stated that it was the general wish of the House to mark by a more distinguished sign their estimate of the heroic services of Sir Henry Havelock, and he (Mr. FitzGerald) felt certain that that announcement would be received with gratitude and favour throughout the country. But, general as that feeling might be, there was yet another feeling quite as common out of doors, and as generally entertained in that House, namely, that distinguished as the services of Sir Henry Havelock had been, they would have been even more advantageous and distinguished had efficient means been placed at his command, and had he at an earlier period received those reinforcements, which greater activity and energy on the part of Her Majesty's Government might easily have supplied him with. He felt also assured that there prevailed, both in this House and out of doors, a regret that the anxiety which had been felt with respect to Sir Henry Havelock's position and that of the gallant men who were associated with him at Lucknow, should have been so much aggravated by the want of those reinforcements which, had the overland means of transport been adopted, would long ere this have rendered him independent of the danger by which he was menaced. The right hon. Gentleman the President of the Board of Control had told them that it was impossible for him to state which of the two telegraphic messages announced to the public to-day was the correct one. But whichever was correct, this at least was obvious, that under the most favourable circumstances it was not a matter of weeks, scarcely a matter of days, but of hours, whether the gallant force under Sir Henry Havelock would be relieved or not. Under the most favourable course of events, Sir Henry Havelock could not have been relieved before the 16th or 17th. It was known already that the garrison in the Residency at Lucknow were early put upon diminished rations; that they were killing their carriage bullocks on the 21st of the preceding month, and, consequently, for twenty-six days those men, who had already faced every danger in the field, must have had before them, in addition to those dangers, the prospect of famine. The noble Lord made a statement to the House last night, at a time when it was impossible that he should receive any reply, in answer to a question put to him by the right hon. Gentleman the Member for Droitwich, than which a more unsatisfactory statement was never made by any Minister as to the conduct of the Government of which he was the head. That statement was, that it would be highly hazardous, without preparation, to have sent 5,000 men in the month of August over the Desert. But surely it rested with the Government to have made such arrangements as would render the passage across the Desert possible, and he never ventured to say that if instead of sending 5,000 men at once, detachments of 400 or 500 men were sent at a time, the whole 5,000 might not have been in Calcutta early in October. The noble Lord also omitted to point out that at this moment—not by the exertions of the Government at all, but by the ordinary means of a commercial company — we were transporting large reinforcements to India; and that it would have been perfectly possible, therefore, to have sent those reinforcements earlier, he (Mr. FitzGerald) unhesitatingly declared. What had happened in the case of a regiment at Gibraltar? Lord Lyons, being there, ordered the large screw steamer *Conqueror* to be placed at the command of the Governor, and in six or seven hours the men were placed on board, and in three days every one of them landed at Portsmouth. Why, at the very moment the noble Lord said that the Government could not transport the men to Alexandria, some of the largest steam-vessels in the English navy were lying idle at Portsmouth, Chatham, and elsewhere, so that nothing could have been more easy than for the Government to have placed a whole regiment at a time on board one of those colossal vessels, and transported them to Alexandria. But the noble Lord said that there might have been great difficulty in transporting the troops across the Desert. It was quite clear, however, that there was no difficulty of the kind. With regard to the means of transport from Suez he (Mr. FitzGerald) admitted that transports might not have been there

to receive them, but there were plenty of transports lying at Bombay unemployed, and they could have been easily despatched to Suez to receive the troops as they arrived across the Isthmus. Some of these vessels, indeed, did go from Bombay to take troops from the Mauritius and the Cape; but it was notorious that vessels were lying doing nothing at Bombay, and that they were kept there by Lord Elphinstone because he did not know when he might receive instructions from home to send them to Suez for troops. Moreover, it was well known that, according to the telegram from Lord Stratford de Redcliffe, on the 2nd of July, the noble Lord might have had a firman from the Porte to pass English troops through Egypt, and that at the same time the most earnest and zealous offers were made by the Pasha of Egypt to place every means at our disposal that he could command for transporting the troops across the Desert. The friendly disposition of our allies was known to the world; it was further manifested by the voluntary offer of the Emperor of the French; and whatever the supporters of the Government might say here, he (Mr. Fitzgerald) was certain that there was a feeling abroad that sufficient energy and activity had not been shown by Her Majesty's Government, and that nothing could have been easier, had they chosen to exercise that proper forethought and prudence which it was the duty of men in their high position to exercise, than to send the troops overland, in which case they might have been in India from a month to six weeks earlier than it was possible for them to be by the fastest means of conveyance round the Cape of Good Hope. But the noble Lord said this country ought to extinguish the rebellion in India without being indebted to anybody. That was a system which some might uphold; but he could not understand the feeling when the lives of gallant men—the safety of an army—was at stake, and when upon the decision of the Government the fate of Havelock and his companions, to a great extent, depended. He had made these observations for two reasons—first, because he did not wish the House to adjourn, without, at least on his own part as an independent Member, stating his earnest conviction that the Government had not done their duty in this respect; and next, because the hon. and gallant General opposite (Sir De Lacy Evans) had given notice of his intention to move for a Committee to inquire into the means of transport, which had been adopted, and the available means of transport at the command of the Government. Whether, upon the suggestion of the right hon. Member for Wells (Mr. Hayter), or for what other reason he did not know, but the gallant General had been persuaded to place that Motion on the paper for a day that was too late for it to come on before the House adjourned. In another place, however, the leader of the Government there had refused to produce certain papers on the ground that a Committee was about to be appointed in this House to inquire into the whole subject, and that it would be in the power of that Committee to call for any papers and receive any evidence they might think fit. He wished to ask the noble Lord at the head of the Government, then, whether he ratified the promise given by one of his colleagues in another place, and if it was the intention of the Government not to offer any opposition to a full inquiry being made into the question whether they had adopted the best means of transport, under the circumstances, for the troops to India, and what were the available resources then at their command? In conclusion, he wished to express his gratitude to the House for allowing him so far to interrupt its business as to make these observations, which were drawn from him by his strong conviction that had the Government done its duty in this matter, the state of affairs in India might now have been very different; and he must further express an earnest hope that nothing would induce the gallant General to be diverted from the course he had marked out for himself, and that he would persist in the Motion of which he had given notice.

Mr. SPEAKER said, he must draw the attention of the House to the fact that an irregularity had been committed in discussing, upon a Motion for the postponement of Supply, the question which stood next after that on the paper, namely, Sir Henry Havelock's Annuity Bill. If the postponement of Supply were first agreed to, this discussion, which was now irregular, might go on.

Lord JOHN RUSSELL observed, that he was sorry to differ from the right hon. Gentleman in the Chair; but it did

not appear to him that the observations of the hon. Member for Horsham (Mr. FitzGerald) had reference only to Sir Henry Havelock's Bill. And if that were so, and those observations were to be made, they might as well be made upon the Motion for postponing of Supply as at any other time. He submitted, therefore, whether they had not better allow the discussion to go on

Mr. VERNON SMITH: Like yourself, Sir, I understood the hon. Gentleman to commence his observations as though they were connected with the pension to General Havelock; and I confess I was surprised to hear his subsequent remarks, because if any rule of debate has ever grown almost into a Standing Order, it is that when we are about to give to merit a generous reward there should be a total absence of anything like party attacks. I was therefore astonished to hear the hon. Gentleman say that he had actually sought out this opportunity for making an attack on the Ministry. Still I believe he is in order for the reason assigned by my noble Friend (Lord John Russell), namely, that we are not really discussing General Havelock's pension, but a question of Supply. If, however, the hon. Member had commenced his speech where he had ended it, namely, with asking the Government whether they meant to agree to the Committee, he would not have found it necessary thus to delay the business of the House, because the Government intend to grant the inquiry, before which all the varied details requisite to the formation of a sound opinion will be regularly produced. But for this the hon. Member cannot wait, and he rushes to the precipitate conclusion that the Government were entirely wrong in the course they adopted, and that if Sir Henry Havelock be now in any danger—which I hope in God he is not—it is owing to the Government not having sent out reinforcements more expeditiously. I do not agree with the hon. Gentleman as to the statement of my noble Friend last night. The statement of my noble Friend was, I think, perfectly satisfactory to all who listened to it, and the more this question is looked into the more clearly will the impracticability of the overland route appear at the time we first heard of the mutiny. The hon. Gentleman does not care to inquire whether we ought to have trusted solely to our own means or not—whether England, the mistress of the seas, ought to have gone, cap in hand, to other nations begging for assistance to recover her empire. Therefore I shall not touch upon that subject, but shall refer merely to the question of time. The hon. Member talks of sending men by the overland route; but does he know what arrangements would have been required to be made for that purpose? He said that the Government ought to have made those arrangements. I quite admit that it is the duty of a Ministry to overcome difficulties, and that if it cannot do so it had better cease to exist at all. But it is also the duty of a Ministry to look to dangers; and I say that there was in the passage by the Red Sea great danger to our troops. To plunge men into Egypt and subject them without preparation at Suez to a state of demoralization in Egypt and to all the accidents of such a journey would have been to expose them to very great dangers. I do not know whether the hon. Member ever made the overland passage to India, or whether he is acquainted with the condition of the Red Sea in the heat of summer; but I have met with gentlemen who have performed that journey in the summer months, and they have told me that the passage by the Red Sea at that season is a severe trial to the strongest constitutions. We were bound to consider the situation of our people in India, but we were bound to consider also the state of the troops who were sent thither. It was of immense importance that every man despatched to India should arrive there sound and well, and, as far as we are advised, every man has done so. I believe that by following the long sea route we have lost no time, and that our men have arrived in as good health as when they started from these shores; we are not called upon to deplore accidents, and all our soldiers, so far as we know, have arrived in India in good health and excellent spirits. That, I say, is a great object. If we had sent our troops to India demoralized and debilitated by the passage through Egypt and the voyage down the Red Sea, they would not on their arrival have been very fit for the performance of those arduous duties which were required of them. That was an important consideration with the Government — a consideration to which I referred last night, when I stated that I had been warned by Lord Elphinstone in a private letter at that period to

take care of the Red Sea and avoid the monsoons—a consideration which I need not say influenced considerably the decision of Government. Any Minister who should have ventured to throw troops into Egypt without having previously made arrangements for conveying them to Suez, and from Suez down the Red Sea, would have been deserving of impeachment. Let us here cast a glance at the dates. On the 30th of June, letters were received announcing the mutinies, of which I had announced the telegram on the 29th, and on the next day I communicated the fact to the House. The first mail left England on the 10th of July, and that mail did not reach Bombay, the nearest point in India, till the 7th of August. The corresponding mail left Bombay on the 16th of August, and was received here on the 17th of September. Supposing that a vessel had been despatched the same day to Alexandria, and that all the necessary arrangements had been made for carrying forward the troops, India could not have been reached before the 13th of October. Well, in the middle of October the vessels despatched by the long sea voyage round the Cape began to arrive, and, that being so, I ask the House what advantage would have been gained, even in point of time, by sending troops overland? If we had determined to send troops overland, a very considerable time—not less than three months—would have been required for preliminary negotiations and arrangements, and those troops, as I have shown, would clearly have been of no more use for the relief of Lucknow or the support of General Havelock than those who have reached India by way of the Cape. I hope the House and the public will consider these things. God knows I am not surprised that in the excitement of the moment everybody should have been anxious only for the arrival of reinforcements in India, and should have bestowed little thought upon the manner in which that object might be accomplished most rapidly and efficiently. That anxiety was fully shared by the Government, as you may believe, when you reflect that their reputation as Ministers, not to speak of their feelings as Englishmen, was deeply involved in the result of events in India. Though not referred to by the hon. Member, I may be permitted to say a few words on the question raised the other night with respect to the employment of steamships. The East India Directors have been much reproved for not having sent out more screw steamers, instead of sailing vessels, and reproaches have also been cast upon me in connection with the same subject. Now, I am not disposed to shrink from any responsibility that fairly attaches to me; but, as I do not wish the insignificance of the office to be attributed to the insignificance of the individual, I may state to the House in what position the President of the Board of Control stands with respect to the sending of ships to India. It is true that the President of the Board of Control is responsible for everything done by the Court of Directors, but there is no marine department attached to his office—no naval or military man—nobody whom he can possibly consult upon questions of transport, and therefore all such matters have been habitually managed by the authorities in Leadenhall Street. When the mutinies first broke out I had to consider whether by constant interference and meddling I should do any good to the public service, or whether it would not be better to lay the reins at once on the neck of the Court of Directors, and by putting the spurs into their sides occasionally induce them to establish the best communication with India which they possibly could. Having said thus much to show that I do not shirk responsibility, I am bound to add that, in my opinion, the Directors have acted with perfect propriety. The first step they took was to issue advertisements for screw steamers and sailing vessels. They were told by many naval men that at that particular season sailing ships would go as fast as screws, and such was the opinion not only of naval men, but of men personally acquainted with India. On the 5th of July the Earl of Ellenborough, whom all opposed to me will say is a good judge of Indian subjects, said that he thought sailing vessels would make as good voyages as screw steamers. That race has not yet been run, and I regret that some people should be ready to pronounce judgment before the trial has been made. There are some sailing ships which have performed the voyage to India almost as fast as the screws, but certainly upon the whole the screws have beaten them. But I considered the experiment a fair one, especially in the circumstances with which the Directors had then to deal, for a sufficient number of screws was not to be had. In Sep-

tember the Directors had completely exhausted the market, and four steamers which were subsequently offered to them, in reply to a fresh advertisement, they were obliged, after survey, to decline, as unfitted for their purpose. In point of fact, they could not have sent out the whole of the troops in screws. But, besides that, there is one other point which you are bound to take into consideration. The outbreak of the mutinies was so sudden that we were not certain even of a supply of coal, an essential requisite for steamers on their passage to India, and remember that screws, however superior to sailing vessels with respect to speed, could not have got forward to India so fast if they had been stopped for want of coal. It was by a variety of considerations, therefore, that the Court of Directors were induced to employ sailing vessels as well as steamers. They ascertained that the *James Baines* and other sailing ships, the names of which I do not remember, had made the voyage to Australia in sixty-four days, and had performed the voyage to India in a remarkably short time. They knew that they had exhausted the market of screws, and therefore they thought it advisable to send some of the troops—not the larger but the smaller portion—in sailing vessels, and not in steamers. In conclusion, I have to thank the hon. Member for bringing forward this subject, because I believe that the public, as soon as the facts are generally known, so far from expressing irritation or impatience at the conduct of the Government, will consider, as they stood in June, and not as they appear now, when seen by the light of subsequent events, the difficult circumstances with which we had to deal, and will say that in despatching troops to the relief of our gallant soldiers in India, whom we all admire for their heroic exertions, we have exhibited no want of resource or vigour. No man can feel greater admiration than I do for the mighty exertions our troops have made, not only in resisting the enormous masses opposed to them, but in overcoming the fatigues and bearing up against the calamities incident to the climate of India.

Sir JOHN PAKINGTON: I cannot refrain from saying a few words after what has fallen from the right hon. Gentleman. I admit there is some inconvenience in a matter of such interest and importance being brought under discussion without notice, and at a moment when by a long-standing arrangement we are about to consider a very different subject. But the House must recollect that every heart in England is full of the fate of our countrymen and countrywomen now at Lucknow; and I, for one, feel no surprise that the hon. Member for Horsham should have been moved to take this opportunity—which in a Parliamentary sense is a legitimate opportunity, especially after the declaration of the noble Lord at the head of the Government that the House is to be adjourned to-morrow—to ask for some explanations from the Government upon this most interesting subject. After what has fallen from the right hon. Gentleman opposite, I feel bound to say that Her Majesty's Government are very deeply responsible for what I believe to be their supineness and neglect in not having sent military succour to India at an earlier period than they did. They have not erred from want of warning. On the contrary they received abundant warning. So early as the middle of May the Earl of Ellenborough, in another place, urged upon them the pressing necessity for sending early reinforcements to India. What was the answer he received? It was that Her Majesty's Government were taking steps for sending reinforcements to India, and a hope was held out that those reinforcements would leave England, or at all events, would commence to leave England, by the middle of June. I believe I am right in saying that those reinforcements did not leave England till the middle or latter end of July. That delay alone may decide the fate of Lucknow. What did the noble Lord at the head of the Government tell us last night? I asked him at what period the Government received a telegraphic message from Lord Stratford de Redcliffe offering to obtain a firman from the Sultan for the passage of our troops through Egypt. The noble Lord replied that the Government received the message in question on the 30th of June, and that on the 2nd of July they telegraphed back to Lord Stratford de Redcliffe that they had no intention of applying for a firman, or of sending troops overland to India. I believe they were the only parties to whom it did not occur that it was most urgently necessary to lose no time in despatching reinforce-

ments to India. The noble Lord told us to consider the difficulties. I do not deny that there must have been difficulties, but there was a difficulty existing in India more urgent, more pressing, than any other that could possibly be encountered. It was a moment when risks ought to have been run, when I hold it to have been the duty of the Government to use every available means for sending supplies of troops to India at the earliest possible moment. The right hon. Gentleman the President of the Board of Control has told us that this subject is to be investigated by a Committee. The House must have heard that declaration with the greatest astonishment. When I heard it I could scarcely believe my own ears. I saw the notice of the hon. and gallant Member for Westminster (Sir De Lacy Evans) on the paper the other day. I felt that it was tantamount to a Motion for a vote of censure upon the Government for neglect of duty, and I cannot but regard their consent to it as a proof that in their own minds there does exist a consciousness that they have been negligent, and have not used all the means in their power for sending supplies of troops to India. I shall not press this matter further. When it is investigated by a Committee the Government will be able to show what the real facts are. The right hon. Gentleman opposite has expressed a hope, in which we must all concur, that the next news from India may establish without doubt the safety of Lucknow. Upon this subject, now that it has been raised, I will not shrink from saying that if, unhappily, the safety of our countrymen and countrywomen at Lucknow should not be secured, the responsibility of that dreadful and calamitous event must rest with Government.

COLONEL SYKES said, he rose to ask to be permitted to say a few words on behalf of the Court of Directors, to which body he had the honour to belong. He agreed with the President of the Board of Control that, although any number of troops could have been conveyed to Suez, it would have been utterly impossible to have sent them on to India without previous arrangements having been made for a supply of steamers in the Red Sea. Three months at least would have been required for those arrangements, and therefore the chance of troops reaching India as soon by way of the Cape as by the overland route was a sufficient justification of the course pursued. Small bodies of troops—of a strength of 300 or 400 men—might have been sent overland, but such inconsiderable reinforcements would not have been worth much in India. To show the promptitude of the Court of Directors he would ask the House to consider what, with their limited staff, they had actually done. During the months of July and August somewhere about 26,000 men were transferred by the Government to the Company for the purpose of being sent to India. The Company with its small establishment immediately engaged sixty-seven sail and steam vessels, and by the end of August the whole of the troops had left the shores of England. He believed it was a question with nautical men whether in making the voyage round the Cape in winter sailing vessels might not go as fast as screws. What the Company did was to take up clippers of the first character to go along with the steamers, and, although they had not arrived at their destination quite as soon as the screws, yet they were arriving close upon their heels. Moreover, all the vessels were taken up bound to make their voyage within a certain fixed time, but as a stimulus to the commanders to use their utmost exertions, the Company agreed to pay a premium of £25 *per diem* to every ship which should arrive before the specified period. It was quite impossible that the Court of Directors could have done more, and he believed that the country would come to be satisfied with the efficiency with which they had discharged their duties. The President of the Board of Control had talked of putting the spurs into the flanks of the Court of Directors. He believed the House would find, when the promised investigation took place, that, so far from needing the spur, the Court of Directors usually galloped far ahead of the Government departments.

MR. BOWYER said, he rose to order. He wished to know what was the question before the House. He intended to move the adjournment of this debate, in order that the House might proceed with the business of the evening.

MR. SPEAKER: The question before the House is that the Committee of Supply be postponed till the 5th of February.

SIR JAMES ELPHINSTONE said, it was his intention boldly to direct the

attention of the House to the conduct of the Government in the despatch of troops to India. They might have sent reinforcements to India in three different ways. There was, first, the overland route through Egypt; but he admitted that they would have found it impossible to despatch any large number of troops *viâ* Suez and the Red Sea. He regretted, however, that they did not send 500 or 600 men overland by the bi-monthly mail, for the moral effect of such a step would have been great in India, and at the same time preparations might have been made for conveying larger numbers from Suez to Kurrachee. No obstacle of any kind would have been encountered in the Red Sea, which would have been found perfectly calm, so that the troops might have made the voyage with ease and comfort. The second means of transport at the command of the Government consisted of ships belonging to Her Majesty's Navy. For example, the Lisbon squadron should not have been paid off, but should have been employed in the conveyance of troops to India, instead of those sailing-vessels and screws to which the Court of Directors had been obliged to pay the extravagant sum of £49 per man. If the *Conqueror*, instead of bringing home a regiment from Gibraltar, had been provisioned for six months and despatched to India with a regiment and a half, she would have arrived at Calcutta before any of the vessels sent from this country. With respect to sailing-vessels, every one, who had any knowledge on the subject, knew that it was impossible that they could compete successfully with steamers in the autumn months, for while they would have light winds down to the line, and after crossing the line, might make some good sailing as far as the Cape, yet in the Bay of Bengal, they would encounter the north-east monsoon, which always prevailed at the season of the year when vessels leaving this country during the summer would arrive there. They would necessarily have a long and tedious voyage, and so the events proved. He blamed the Government — and that House no less than the Government— for the reductions which had taken place in the Navy. Why should this country be without ships sufficient to carry 10,000 or 15,000 men at a few days' notice, to any part of the world? There was also another subject, in reference to which he had placed a notice no the paper, and concerning which he begged to put a question to the President of the Board of Control, whether precautions had been taken by the Government of India to provide sufficient accommodation, in substantial buildings, for the increased number of British troops which will be assembled in the Upper Provinces when the ensuing hot season sets in. It was quite impossible for European troops to remain under canvas during the hot season. He held in his hand a list of barracks in the Upper Provinces that were available for the shelter of British troops during the hot weather. It was as follows: Dinapore, for one regiment, good. Gazeepore, for one regiment, ditto; also large stables used by the stud, which could be converted. Buxar, large stables. Allahabad, destroyed. Cawnpore, destroyed. Agra, fort. Benares, none. Calpy and other indigo factories might be converted, if in healthy situations. In Lower Bengal: Fort William, one regiment, unhealthy. Barrackpore, no information. Dumdum, artillery. Moorshedabad, barracks for three regiments, but unhealthy. Chinsurah, one regiment, healthy. It was of the greatest importance that proper shelter should be provided for the large numbers of men who would be concentrated in Bengal when the hot weather set in, and therefore he had taken the liberty to call the attention of Government to the point. He thought the disarmed Sepoys might be advantageously employed in erecting barracks for that purpose.

Mr. P. O'BRIEN said, he wished to ask the Under Secretary for War, Whether the Government intend to make up our Home Cavalry establishment to the number in existence before the withdrawal of regiments to India; and, if so, whether they will again constitute the 5th Regiment of Royal Irish Dragoons?

Lord JOHN MANNERS said, he rose to order. He apprehended that as a question had already been put to the Government, it must be answered before another question was proposed. The question of the hon. Gentleman was, moreover, quite irrelevant to the question before the House.

Mr. SPEAKER said, he understood the House to have decided that they would permit this discussion to proceed on the Motion for the adjournment of the Committee of Supply.

Mr. P. O'BRIEN proceeded: During the year seven regiments of cavalry had been sent to India, which, including some additions to the cavalry already there, made a total of twenty-four troops. Presuming that the Government intended to carry out the intention they expressed in 1856 of keeping up the cavalry establishment, he wished to know whether the blank now existing in the list of cavalry regiments would be filled up by the reconstitution of the 5th Royal Irish Dragoons. He was aware that it might be said that fifty years ago some violation of discipline took place in that corps; but he thought when the conduct of the regiment in numerous engagements was borne in mind, and when it was recollected that the Scots Greys derived their high character from an action in which they were brigaded with the 5th Royal Irish Dragoons, that Her Majesty's Government might fairly consider the propriety of again embodying the regiment.

Mr. SCOTT observed, that the question of the hon. Gentleman was certainly not very germane to the subject more immediately under consideration, which related to the position of our forces in India; but this might be the Irish mode of dealing with such a matter. He had a question upon the paper with reference to the decorations of the Bath, but it was not his intention by proposing it at present to complicate the already tangled skein in which they were involved. Of one thing, however, there could be no doubt,—that there was an universal desire throughout the country that due honour should be paid to those who had performed such heroic deeds in India. They had been told by the right hon. Gentleman opposite (Mr. Vernon Smith) that the duty of the Government was to overcome difficulties and to foresee dangers, and in that opinion he (Mr. Scott) fully concurred; but he thought the Government had not foreseen danger, that they had not properly met the difficulties which had arisen, and that they were, therefore, deserving of very heavy censures. The country were told on a recent festive occasion, when it was expected Parliament would meet before February, that they ought to thank their stars that they had a Government really equal to the occasion. No doubt Her Majesty's Government had proved themselves equal to the occasion of a dinner at the Mansion House, but he believed that, so far as the revolt in India was concerned, the only man equal to the occasion was the Chief Commissioner of Oude (Sir Henry Lawrence), whose loss, unfortunately, they had to deplore. He thought the contrast between the great men who had performed heroic deeds in India and those whose supineness had placed such men in difficulties would induce a desire on the part of the British people that the greater honour should be paid to them. He thought every one who read the passage in Her Majesty's Speech pointing out that the heroic acts of our countrymen in India were the more remarkable as they had been performed by small parties of Europeans against overwhelming bodies of the mutineers, must have considered that it cast a reflection upon the Government. The questions must have occurred to every one—why were our forces in India so weak?—why were the men who displayed such gallantry so ill supported?—where were the strong reinforcements they ought to have received? How came it that at this present moment all were trembling for the fate of Havelock and his gallant band at Lucknow, and the fate of our Indian empire might be said to be quivering in the balance? He believed it was owing to the supineness of the Government, whose neglect or delay had been such, that up to the moment of the last advices from India, not one single soldier sent from this country had taken part in any operations against the rebels. Not less than two hundred days had elapsed since news of the Indian mutiny was wide spread in this country, and yet during that period not a single man had been sent out in time to assist their sorely pressed fellow-countrymen. The noble Lord at the head of the Government last summer had triumphantly asked, "Who can find fault with us for supporting Sir John Bowring in his attack upon Canton, when that course has enabled us to afford reinforcements to our troops in India?" This reminded him of a not very skilful player at billiards whom he once saw playing haphazard, and who, attempting to pocket his ball in the corner, put it into the middle pocket, and so scored three. The noble Lord told them that he intended to have gone into the corner pocket, but that he had dropped his ball into the middle pocket; he intended to go to

Canton, and he dropped into Calcutta. They were indebted for that good luck to one who, he might say, had been a martyr to the occasion—the Earl of Elgin—who was regarded in India as a man who would have been a worthy successor of the Marquess of Dalhousie. Her Majesty's Ministers, however, sent out as Governor General a nobleman who unquestionably possessed many good qualities, but he (Mr. Scott) doubted whether the people either of this country or of India thought that he had shown himself equal to the occasion. If they looked to the despatches which Viscount Canning sent home, it would be found that he disclaimed any assistance, on the ground that if succours were furnished a useless panic would be occasioned. On the 24th or 25th of February—nearly a year ago—there was a sufficient indication of the impending storm; during March and April there were still further indications of disaffection; and in the month of May the revolt broke out. How was the news of the revolt treated in that House? Hon. Members must recollect the tone assumed by the Cabinet Ministers on the occasion. The First Lord of the Admiralty replied to all questions as to the description of ships to be sent out and the route to be taken in a manner which might be described as rather curt than courteous. Instead of using the ships which the Government had at their command, they hired the old tubs which were now tossing upon the ocean. Instead of availing themselves of the offers made by foreign Powers to assist us in conveying our troops to India by the most direct route, the Government chose the most circuitous course. The right hon. Gentleman had said to-night, "We had before us the dread of the Red Sea; we were fearful of the monsoon." But had not the Government before them the fear of the Sepoy and the Mussulman, the frightful massacre at Cawnpore, and the dread of the imminent danger of the massacre which might follow at Lucknow? He believed the universal feeling was that the Government were in a great measure responsible for the dangerous position in which our troops at that station had been placed. If Lucknow was to fall, if the scenes acted at Cawnpore were to be repeated there, would not the right hon. Gentleman who had just sat down admit that the Government, which, in his opinion, would have deserved impeachment if they had risked the lives of the troops upon the Red Sea at an unwholesome season of the year, would merit a similar punishment for not sending troops out in time to avert so terrible a disaster? This was a subject upon which the whole country was anxious, and the people would have been pleased to see General Havelock raised to the peerage, instead of the hon. Gentleman who merely recorded the history of India, and liberated the press which Lord Canning had abolished. He cordially approved of the continuance of General Havelock's pension to his son, and thanked the hon. Member for Horsham (Mr. Seymour FitzGerald) for having raised this debate.

Sir JOHN RAMSDEN said, he wished to state, in reply to a question which had been put to him in the course of the debate, that measures had been taken to restore the cavalry to the strength at which it stood before the despatch of reinforcements to India, but that this object would be accomplished by adding to existing regiments, and not by the creation of new ones.

Sir DE LACY EVANS observed, that he did not rise to prolong the present discussion, although he thought it was most important that this subject should be entertained before the adjournment of the House. As the Government had assented to the appointment of the Committee, he would not anticipate its verdict, but he wished to know whether the noble Lord would allow him to move its appointment to-morrow. He was surprised that there was no naval or military assistant in the Board of Control, and that when we had a most momentous war going on in the East, the War Minister had no responsibility for it. Perhaps that fact might account for the statements which had appeared in the *Court Journal* as to the prolonged shooting excursions of the noble Lord at the head of the War Department.

Lord JOHN RUSSELL: Before the question which has been put by the hon. and gallant General is answered, I should like to say a word or two, because what I have to say may affect the answer to be given by my noble Friend. My right hon. Friend the President of the Board of Control has made a most important announcement—namely, that the Government consent to an inquiry upon this important subject. The right hon. Gen-

tleman (Sir John Pakington) expresses his astonishment that they should have acceded to such a request. For my part, I think that, as this matter has been so much discussed in public, as opinions have been given very confidently, and as statements have been made that the Government might by other means have sent out troops who would have arrived three weeks or a month earlier, the Ministers are pursuing a constitutional and proper course in consenting to an inquiry; but, I own, I have some doubt whether, upon a subject of this kind, which involves on the one hand the efficiency of the Government and its character for energy and despatch, and on the other the safety of our Indian Empire, it would not be better and more conformable to ancient practice that the House should resolve itself into a Committee of the whole House in order to make that inquiry. I do not say that I shall propose any Amendment to the Motion of the hon. and gallant General, but I must reserve my right to consider whether when he makes that Motion I shall not move that the subject be considered in a Committee of the whole House. Before I sit down I may, perhaps, be allowed to say that it was with the greatest pleasure that I heard my noble Friend at the head of the Government state that the pension of General Havelock is to be continued to his son.

Motion *agreed to.*

Committee of Supply *deferred* to *Friday*, February 5.

SIR HENRY HAVELOCK'S ANNUITY BILL.

THE CHANCELLOR OF THE EXCHEQUER moved, that the Committee on this Bill be adjourned to Thursday, February 4.

VISCOUNT PALMERSTON: I understood that my hon. and gallant Friend (Sir De Lacy Evans) had given notice of his Motion for Thursday next, and I therefore treated it as one which could not be disposed of before the adjournment. As far as the Government is concerned, I should have no objection to its coming on to-morrow.

SIR DE LACY EVANS: I have altered the terms of my notice, so as, I believe, to enable me to move the Resolution to-morrow.

Motion *agreed to.*

Lord John Russell

THE AUSTRALIAN POSTAL SERVICE.

MR. ALDERMAN COPELAND said, that the delay which had arisen in the conveyance of the mails by the European and Australian Company entailed such serious injury upon the commercial interests of the country that he was sure he need only call the attention of the Government to the subject in order to get the screw put on and the grievance removed. With the exception of the chartered ship the *Sidmouth*, none of the vessels employed by the company had performed their voyages in the stipulated time, and the company had incurred heavy penalties, which he was glad to hear that the Government had enforced. It was now understood that this company was really defunct, and it was pretty evident that the persons now concerned in the same were the West India Mail Company. The country had heard with dismay that this company would not be able to discharge their duties with efficiency until the month of May, and meanwhile persons leaving for Australia to-morrow, would have to remain in Egypt a month because there would be no vessel ready to take them on. As he understood that no returns could be made in addition to those already supplied, he should not proceed with the Motion of which he had given notice; but he implored the Government to expedite this company in the performance of its contract. They undertook to launch and purchase various vessels. As yet they had launched none, nor had they chartered any which were adapted to the work which they had to perform. There was one ship, the *Mediterranean*, the trial trip of which was quite satisfactory; but she, instead of being sent to the colonial station, was chartered for the conveyance of troops.

SIR CHARLES WOOD said, the papers relating to this service were already before the House, and the Admiralty would take care, as far as possible, to enforce upon the contractors the performance of their duty.

BANK ACTS.

SELECT COMMITTEE MOVED.

THE CHANCELLOR OF THE EXCHEQUER: The House must, I think, consider itself indebted to the right hon. Gentleman opposite (Mr. Disraeli) for having suggested an arrangement by which the discussion on the Indemnity

Bill has been disengaged from the question which is now about to occupy its attention. Undoubtedly, it has been for the convenience of the House that the former subject should have been considered without reference to this further question; and I may, perhaps, be permitted, now that the Indemnity Bill has been read a third time, and been sent to the other House of Parliament, to express my sense of the fair and candid treatment which that question has received on both sides of the House. Gentlemen in all parts of the House have, as it seems to me, shown a disposition to avoid all captious criticism, to treat the question on its merits, and to make due allowance for the difficult position of the Government, called upon to decide on a matter which necessarily involved prompt and immediate action. Nothing can more encourage responsible Ministers in the proper performance of their duties than a consciousness that their conduct will be viewed by equitable and impartial judges. Having adverted to the Indemnity Bill, I may perhaps be allowed to call the attention of the House to the fact that, although I did not venture to give any positive assurance that the commercial crisis had reached its termination, nevertheless I expressed confidence that the Bank of England was steadily recovering its position. In support of that statement I will mention what I am informed was the state of the Bank yesterday evening. On the 11th of November the bullion in the Bank was £6,666,000. On the 12th, the day the letter was issued, it was £6,524,000. Last night I understand the amount of bullion was £8,200,000. The figures are not precisely accurate, but for all practical purposes it may be taken to be correct, and that the amount of bullion in the Bank last night was £8,200,000. On the 11th of November the reserve of the Bank, including both notes and coin, was £1,462,000. On the 12th of November it was £581,000. Last night it was £4,680,000. Therefore, if we deduct £2,000,000 of over-issues, there still remains in reserve £2,680,000, a sum by which it is possible to work the banking department. The Motion which I am now about to make is for the reappointment of the Committee of last Session, and I will again call the attention of the House to the fact that the Committee, after concluding the examination of evidence last Session, agreed unanimously to recommend its re-appointment in the present Session. These were the words of the Resolution:—

> "Your Committee have agreed to report to the House the evidence which they have received, and, as their investigation of the subject referred to them is still incomplete, they beg leave to recommend that a Select Committee be appointed to resume the inquiry in the ensuing Session of Parliament."

My right hon. Friend (Mr. Gladstone) and the right hon. Gentleman opposite (Mr. Disraeli) were both members of that Committee, and they did not object at the time to that Resolution. The question, then, to be considered to-night is whether circumstances have since arisen which render it inexpedient for the House to adopt the recommendation of the Committee. My right hon. Friend (Mr. Gladstone) on a previous occasion spoke with some ridicule, or at least with some want of appreciation, of the evidence taken by the Committee of last Session, and seemed to doubt whether any advantage would accrue from a re-appointment of the Committee to inquire into the question of the currency. Having been a Member of that Committee last Session, I must be permitted briefly to vindicate its proceedings. I cannot see that the evidence taken is in any degree inferior to the evidence taken by similar Committees on former occasions. Gentlemen of very great eminence, both from their position and from their experience and acquirements, were examined. We examined my hon. Friend the Member for Southampton (Mr. Weguelin), formerly Governor, now a Director of the Bank. We examined the present Governor and Deputy Governor. We examined Mr. Hubbard, a very able and intelligent witness, also a Bank Director. We examined Mr. Norman, whose character, I am sure, I need not eulogize. We examined Lord Overstone, whose authority stands so high before all Committees on this subject; and we also received the evidence of Mr. Newmarch, a writer of ability, who was associated with Mr. Tooke in the completion of his work "*On Prices*," and who represents the school of opinions to which Mr. Tooke belongs. We also examined Mr. John Mill, whose merits and ability as an economist need no encomium from me. I think that list of witnesses exonerates the Committee from the charge of hav-

ing laid worthless evidence on the table of the House. I do not mean to say that my right hon. Friend (Mr. Gladstone) meant to treat these witnesses with disrespect in the allusion he made to the evidence; but my right hon. Friend spoke of the evidence as being the result of long leading questions put to the witnesses. Now, I cannot see that the practice of putting leading questions has interfered much with the value of the evidence taken by the Committee. It very often happens in Committees that Gentlemen, wishing to elicit an opinion from a witness, are obliged to put long questions. It is not like examinations in a court of justice, where the object is to extract matters of fact; but in order to carry on an argument between the witness and the Committee, it is sometimes necessary to put questions of a rather inconvenient length. I am not aware, however, that the Committee of last Session can be justly charged with an abuse of that practice. I must maintain, therefore, with great deference to my right hon. Friend's character of that Committee, that it did materially promote the understanding of the subject which was referred to its investigation, and that those gentlemen who wish to understand the present position of the currency question with reference to the Act of 1844 will derive, as I confess I have myself derived, great instruction from the opinions and the information of the witnesses examined before it.

Sir, I now come to the Amendment which is to be moved by the right hon. Gentleman the Member for Buckinghamshire. In order to see what would be the effect of that Amendment, I must call the attention of the House to the course which the Committee actually pursued. What the Committee did in the last Session was to examine into the general operation of the Act of 1844 with reference to the Bank of England. It confined itself to the question of the issues of the Bank of England alone, and the law as affecting the limitation of those issues. That part of the inquiry appears to me to have been completed by the Committee. What I understand the Committee to have intended to do, if reappointed, was to inquire into the country issues in England, and also into the banking system of Scotland and Ireland; because the Acts referred to that Committee were not only the Act of 1844, but also the Acts of 1845 with respect to Scotland and Ireland. Therefore, if the commercial crisis had not occurred, the Committee, I apprehend, when reappointed, would have treated the question of the Bank of England as disposed of, and would have taken evidence upon the English country issues, and also upon the Scotch and Irish issues, and then they might have agreed to a Report. But how does the Amendment of the right hon. Gentleman affect this state of affairs? He proposes, as an Amendment to my Motion—which would, of course, get rid of it altogether—to resolve "that, in the opinion of this House, no further inquiry is necessary into the operation of the Bank Act of 1844." If the commercial crisis had not occurred I should have been prepared to assent to that Resolution, for I do not think that any further inquiry is necessary into the operation of the Act of 1844 so far as the Bank of England is concerned; and if he would have inserted the words "with the exception of the question of the country issues," I should not have objected to his Resolution. But how does the matter stand? The right hon. Gentleman says that no further inquiry is needed; but is the Committee to be precluded from reporting upon the operation of the Act of 1844? It has collected very valuable evidence in reference to the Act of 1844, but has not hitherto even considered any Resolution founded upon it. As I understand it, the effect of this Resolution would be to preclude the Committee from coming to any Resolution upon the evidence taken last Session with respect to the Bank of England, and it would also preclude them from taking evidence with respect to the English country banks of issue, and the Scotch and Irish banks. Upon the latter point the right hon. Gentleman is altogether silent. Under these circumstances, I confess it appears to me that the Amendment altogether fails to meet the exigencies of the case. It renders the labours of the Committee of last Session comparatively useless, it stops an inquiry at present incomplete, and it prevents any Resolution being founded on the evidence already taken. But, Sir, we do not stand now as we expected to stand at the end of last Session. Since the Resolution of the Committee was agreed to we have had a commercial crisis, and it is, I think, a fair subject for the con-

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sideration of a Committee how far the general operation of the Act of 1844 has received any light from the events of last month. At all events, Parliament might wish to institute an inquiry into the causes of the commercial distress, and to see whether any connection can be traced between the operation of those causes and the Act of 1844. It is on that account that I have proposed to move that it be an instruction to the Committee "to inquire into the causes of the recent commercial distress, and to investigate how far it has been affected by the laws for regulating the issue of bank-notes payable on demand." By adopting this course the Committee, if it pursued the inquiry of last Session, in accordance with the views of the Committee of last Session, would abstain from any general inquiry into the operation of the Act as regards the Bank of England; it would take any additional evidence requisite in consequence of the commercial crisis, and it would also inquire into the subject of the English country banks of issue, and into the operation of the Scotch and Irish Acts. In that way, as it appears to me, a complete and satisfactory inquiry would be obtained.

But, Sir, it is by no means true, that no light has been cast on the operation of this Act in the course of years, and that we are able, with the evidence taken by previous Committees, to form a complete judgment on our present system of banking. I would only direct the attention of the House to a fact well known to all persons who are at all acquainted with this class of subjects—namely, the great expansion which the system of holding money "on call" has received within the last few years. It is undoubtedly, to a great extent, to the abuse of that system —which I believe is in the main a wholesome and beneficial system, tending to collect together and to turn to good account the scattered resources of the country, but, nevertheless, eminently liable to abuse, and containing within it elements of danger—that many of the evils of the recent crisis may be attributed. It is the system of giving interest upon bankers' deposits—formerly almost unknown in this country, but for many years generally practised in Scotland—which has made a great practical change in the working of our banking system. Every one must see that there is a great difference between deposits placed with a banker for the sake of safe custody and the convenience of drawing where the depositor keeps only the smallest sum which is sufficient for ordinary payments, and where he draws it out in small sums, as was formerly the case in England,—and the deposits which are almost in the nature of investments, where the depositor receives a high rate of interest, where he seeks to augment instead of to diminish his deposit, and where (particularly if he is a banker) he has occasion to draw out large sums at the shortest possible notice. The difference between the two is manifestly great, and it is not dependent on the law, but it has a great effect on our banking system. With reference to this subject I will take the liberty of directing the attention of the House to a passage in a letter from Mr. Cotton, addressed to me in October, 1856—more than a year ago —which is printed in the Appendix to the Report of the Bank Committee, and which, I think, shows some foresight as to the operation of this system. Mr. Cotton says:

> "The system of banking in Scotland which has lately been introduced into London—namely, to allow interest on deposits at call, or on short notices—has given, and will give, rise to serious inconvenience, as the depositors, in the event of a monetary crisis, will demand payment when they would not sell their own securities."

This, I think, shows a foresight and a consciousness on the part of Mr. Cotton, of what was likely to be the effect of this system.

Sir, the question which was in fact referred to the Committee of last Session, and which was to a great extent exhausted by them in their inquiries, was that to which my right hon. Friend the Member for the University of Oxford adverted the other night when he spoke of the policy of developing the Act of 1844. There can be no doubt that Sir Robert Peel, when he introduced that Act, had a sanguine expectation that before the time came for renewing it the provisions which he had embodied in it for the extinction of the country bank issues would have taken effect, and that over the whole of England there would only be Bank of England notes in circulation. There are some words in a clause of the Act which seem to me to point clearly to the expectation that before the year 1854 it was not impossible that all the country bank issues of England should cease.

These are the words of the 25th section of the Act:—

"And be it enacted that all the compositions payable to the several bankers mentioned in the schedule hereto marked (C), and such other bankers as shall agree with the said Governor and Company to discontinue the issue of their own bank-notes as aforesaid, shall, if not previously determined by the act of such bankers as herein before provided, cease and determine on the first day of August, 1856, or on any earlier day on which Parliament may prohibit the issue of bank-notes."

These words of the Act clearly show that the entire prohibition of the issue of bank-notes by private banks of England was in the contemplation of its author. The plan which Sir Robert Peel must be considered to have contemplated was that of a single bank of issue for England—that was unquestionably within his immediate contemplation. How far he looked to an entire extinction of the Scotch and Irish banks of issue is less certain; but we may consider it as not improbable that he and others who were the promoters of that Act looked as a probable event to the existence of a single bank of issue for the United Kingdom. This was one of the questions investigated by the Committee of last Session, and I will shortly state to the House some of the opinions given by very competent witnesses upon it. My hon. Friend the Member for Southampton (Mr. Weguelin), who was lately Governor of the Bank, disapproved of the compulsory extinction of the country banks of issue, and thought that there was no great practical evil in their issues, except that they were not made on securities. Mr. Newmarch was of opinion that the country issues ought not to be discontinued. Mr. Hubbard thought that the right of issue of the English country banks should be bought up,—that is to say, that they should be extinguished by law, but that the bankers should be compensated for the loss of their right of issue. Mr. Norman, a witness of great authority, also disapproved of interference with the private issues, and I will take the liberty, as his opinion is given very clearly, of reading it to the House. He is asked—

"What is your own view at present? having the advantage of experience, and having seen what has actually taken place since 1844, do you think it desirable to make any change with regard to the issues of the country banks in England, or of the Irish and Scotch banks?—I think, speaking generally, they have worked far more satisfactorily since 1844 than they ever had done in any previous period during my recollection, or in any previous period that I have heard of; and, considering the habits and feelings of the country, and the interests involved, I doubt whether it would be expedient to attempt by any direct legislative action to interfere further with private issues. I must add, however, this—that, although the action of private issues has been improved, still there have been failures among private issuers, even recently; therefore, they are not altogether in a perfectly satisfactory state.

"Do you attribute that improvement to the limit which has been imposed by law on their issues?—I do mainly."

Therefore, the effect of Mr. Norman's opinion is that it is not desirable to interfere with the private issues. Lord Overstone also gave his opinion on this question. He approved of the gradual absorption of the country issues, but not by means of any strong measures for their suppression, or for the suppression of the Scotch and Irish banks of issue. With regard to the question of requiring security for the country issues, he entertained a doubt as to the expediency of any such provision. Those are the opinions of some of the most competent witnesses on the question of the English country banks of issue, and of the Irish and Scotch banks of issue, and they do not point to the expediency at present of doing what my right hon. Friend called "developing the policy of the Act of 1844," by converting the Bank of England into the sole bank of issue for the United Kingdom.

There is another point which has been raised in connection with this part of the subject—namely, that if that central bank be not the Bank of England it should be a Government bank, that the Government should assume to itself the right of issuing paper over the whole of the United Kingdom, and should prohibit the issues of paper either by the Bank of England or the Bank of Ireland, or any other chartered or private bank. It is, I think, undoubted that when the Act of 1844 was under consideration some plan of this sort was in contemplation, although Sir Robert Peel did not think it desirable at that time to attempt its introduction. A letter from Mr. Goulburn to the Governor and Deputy Governor of the Bank of England, dated 26th of April, 1844, contains this passage:—

"It appears highly desirable that any new arrangement should be founded on the basis of an entire separation of the business of the issue of

notes from that of banking. This measure might be effected by the establishment of a public department for the issue of notes, independent altogether of the Bank."

These words clearly contemplate some public establishment either having a Parliamentary organization, or being directly subject to the Crown—a public department unconnected with the Bank. He goes on to say:—

"But Her Majesty's Government are willing in the first instance to consider whether this can be effected by a division of the Bank into two distinct and separate departments, to conduct exclusively, one the business of issue, the other that of banking."

This shows that the notion of a Government bank of issue for the entire kingdom was considered when the Act of 1844 was prepared, and therefore we may hold it as part of the development of that Act to place the currency of the country on that footing. But the first question which naturally arises on that proposition is, "By what means are the Government to supply the country with the paper currency? is it merely to have a central office in London, and by the payments of dividends to contractors and other modes by which the Government makes payments, to trust to the diffusion and dissemination of notes; or is it to keep up an agency of branch banks all over England, Ireland, and Scotland?" If the latter plan were adopted, I question whether such a system would be found to come up to the views of economy entertained by some of the supporters of the Act of 1844. On the other hand, if no such system were followed, it might be doubted whether serious inconvenience would not arise from the action of such a bank of issue wholly unconnected with an establishment carrying on the ordinary operations of banking. On this question Lord Overstone has expressed an opinion in the Committee of last Session which will, I am sure, receive the attention of the House.

"The objection to putting it (the issue of notes) more avowedly and distinctly in the hands of the Government than it is at present, I think, is of this nature, that so long as there exists in the public mind an impression that pressure upon the trading world is associated with the management of the monetary system of the country, it might be very inconvenient to place that monetary system more avowedly in the hands of the Government; and I must also observe that I think the interposition of some responsible body between the Government and the management of paper issues might be exceedingly convenient in strengthening and assisting the Government to resist pressure which might come upon it at certain periods to do that which it ought not to do."

We may therefore consider the result of Lord Overstone's opinion, as delivered to the Committee of last Session, to be unfavourable to the assumption by Government of the exclusive right of making paper issues. Another most experienced Bank Director entered a little more fully into this question, and showed rather more in detail some of the consequences which that system would give rise to. This is Mr. Hubbard's description of the consequences which would ensue on an entire separation of the functions of issue from those of banking. He says:—

"The larger proportion of the public dividends are now paid by a mere stroke of the pen; the amount of dividends due to each banker, not only for himself, but for all his constituents, is carried in one line to his credit, and in a few hours £3,000,000 or £4,000,000 of public dividends are in that way disposed of, and transferred from the audit roll to the different corporations and banks who are entitled to receive them; so that the economy of labour and avoidance of risk are great and marked advantages of these two functions being performed by the same corporation. Still in their essence they are, of course, distinct functions.

"In fact, at present the dividends are paid with a very small use of bank-notes?—A very small use.

"But still it is conceivable that the Government might, for the purpose of making issues, pay dividends in notes?—Certainly; it is one of the most obvious means of issuing notes.

"It might pay salaries, and contractors, and others in notes, might it not?—No doubt it might, and that would be a means by which those notes would be periodically thrown into circulation; and, on the other hand, the payment of the public revenue through the Customs and Excise would be a means of bringing those notes back again, so that there would be a gradual passing out and in of notes through the medium of those two operations. But I may observe that if the Government were to attempt to discharge those two operations in its own person the amount of currency required would be enormously larger than it is now. It is owing to the circumstance of the Bank having as customers the various large dividend holders that it is enabled to perform all those operations with so small an expenditure of currency.

"If the Government were to establish a bank of issue of its own that would have the effect of counteracting some of the most effectual instruments for economizing the currency now in use?—It would occasion a very much larger amount of currency to be required.

"There would be a greater amount of notes in circulation?—A much larger amount of notes in circulation at particular times, and it would be subject to very considerable variations, whereas the operations of the Bank of England have the

effect of reducing, by its expedients, the variations in the amount of notes. Although they have to pay £6,000,000 at each of the four quarters, the average variation is very little more than £1,000,000."

These answers must, I think, satisfy the House that a great economy of the currency is effected by combining in the Bank of England the operations and issues of the Bank with the payment of dividends; whereas, if the Government were to assume to itself the exclusive function of issuing, it would be forced to keep a larger amount of paper in circulation, inasmuch as the Government notes, no less than the notes of the Bank of England, would be required to be supported by a reserve of bullion; and the cost to the public of increasing the reserve of bullion would more than compensate any economy which might be derived from any other source. Therefore, notwithstanding my right hon. Friend's remark about the antiquated relations of the Bank of England with the Government, I confess that I see great advantages in the present state of things with respect to the management of our currency, and I doubt whether any economy to the public or any security to the holders of notes would arise from an entire subversion of the existing system, from a prohibition of the issue of notes by the Bank of England, by private banks in England, by the banks in Ireland and Scotland, and from the assumption of an exclusive right of issue on the part of the Government.

There is a point as to which it seems to me there is some misunderstanding in the public mind, and to which I will call the attention of the House. It is often used as an argument in favour of this measure that the right of making coin is one of the *Regalia Coronæ*, and that the power of issuing paper money bears a close analogy to it, and ought, therefore, to be exclusively exercised by the State. What is the fact with regard to the issue of coin? There is no doubt that the right of issuing coin is a part of the prerogative of the Crown; but the Crown is in fact nothing but a manufacturer of coin. The Crown never purchases bullion, and never takes any step for supplying the public with coin. Bullion is brought to the Bank of England, the Bank of England sends it to the Mint to be coined, the Mint coins it and returns it to the Bank of England, the Bank issues it to its customers in the form of sovereigns or any other denomination of coin. The entire business of the receipt of bullion and the issue of coin is managed by the Bank of England, as much as is the issue of paper, and in truth the only function with respect to the coinage which the Crown performs is that of impressing the die upon the bullion which is sent to the Mint to be coined, that bullion being in fact the property of the Bank or of private individuals. Therefore, those who imagine that the country would receive great advantages from a Government bank for the issue of paper because the exclusive right of making coin is vested in the State will find, when the case comes to be examined, that their idea is altogether fallacious.

Looking, therefore, to the present state of our paper currency, to the issues of the Bank of England, to the issues of the English private banks, and to the issues of banks in Ireland and Scotland, I cannot see that there is anything which, according to our own observation of the facts, or the opinion of competent witnesses, calls upon us to resort to any compulsory measures for a suppression of all issues except those of the Bank of England—to vest that right exclusively in the Bank of England—or still more to abolish the right of issue by the Bank of England itself, and invest that right in the Crown. Therefore I am not prepared, whatever may be the result of this Motion, either to submit to the House a measure for the development of the Act of 1844 in the manner which I have described, or to assent to the alteration if it were proposed by others.

But then the right hon. Gentleman (Mr. Disraeli), if I rightly catch the spirit of his Motion, says—"Inquiry is exhausted; you have done everything that Committees can accomplish; you have now arrived at the time for legislation; the Government is bound to have a policy; we call upon you to state what is your policy with respect to the currency, and to bring forward some new and extensive measure of legislation founded upon that policy, which you are bound to declare." Well, in answer to that appeal I would in the first place remark that, by common consent, this late commercial crisis out of which, as I understand, this demand upon the Government has grown, has been caused, not

by any derangement of the currency, but by a derangement of capital and of credit. If that be so—if the present crisis has not grown out of any defects in our currency laws—why upon the occurrence of this crisis is this demand made upon the Government? Why are we now called upon peculiarly to legislate on our currency laws? Why is it that at this moment we are told to declare a currency policy? I confess that I am totally unable to see why there is any exigency for such a profession of faith on the part of the Government on this 11th day of December which did not exist at the end of last Session. Well, but even if we admitted that the late commercial crisis imposed upon the Government the duty of declaring a policy, I could not admit that it affords any reason for an immediate alteration of the Act of 1844. I can comprehend the arguments of those who object to the Act of 1844 upon general grounds. I understand the arguments of Mr. Newmarch and Mr. Tooke, who say—"We rely upon the convertibility of the note, not indeed as a security against the insolvency of a bank, but against over-issues of its paper." No doubt there are arguments of considerable weight to be urged in support of that view; and, in fact, unless such arguments could be urged, I need scarcely say that men of such eminence as Mr. Tooke and others who agree with him would not adhere so stedfastly to it. They are not men to be deluded by shallow sophisms, or to found a theory upon a very narrow induction of facts. There is something undoubtedly to be advanced by those who say we are to carry the principle of free trade to its fullest extent, and to have a free currency—we rely exclusively upon the convertibility of the note, and we will not ask for any limitation made by an Act of Parliament. I do not myself agree in that view; but I mention it as a view which is entertained by persons entitled to the highest respect from their ability and knowledge of the subject. That view is capable of being supported by arguments of considerable weight; but such arguments are in no way applicable to a commercial crisis, nor are they in any degree strengthened by the occurrence of a commercial crisis. Their view goes to the very root and foundation of the Act of 1844. It is an objection, not to the failure of that Act under circumstances of extraordinary pressure, but to its unsoundness in times of ordinary operation. Therefore I cannot for a moment admit that the occurrence of an extraordinary crisis, in which all the ordinary laws with regard to the currency must be considered as suspended, affords any ground to call upon us to legislate upon the subject of the currency. Take, for instance, the obvious case of the policy of the Habeas Corpus Act, or protection against arbitrary imprisonment. We all know there have been periods of great disturbance—times when there has existed a state of things approaching to anarchy, in which the greatest sticklers for constitutional forms would admit that the suspension of the Habeas Corpus Act was a less evil than its enforcement. But I will refer to a case of the present day, about which, no doubt, Gentlemen in this House will be divided. I mean the suspension of the freedom of the press in India. I am not now going to argue that question, but everybody will see that there may conceivably be reasons to justify the measure of Lord Canning during the existence of a military mutiny that has nearly become a general revolt, which might not in the smallest degree justify such a step in the ordinary state of India. It is therefore impossible to allow that, because we have passed through a commercial crisis—because that commercial crisis may have rendered it necessary to suspend the Act of 1844—that circumstance affords any ground for the appeal made by the right hon. Gentleman to the Government to bring forward new legislation on the subject of the currency. There appears to me to be an excessive disposition to expect benefit from legislation at a period of commercial crisis; whereas there is no time, in my opinion, when it is more incumbent on a prudent Legislature to be upon their guard in respect to legislation on commercial matters than at a moment of that sort. During a commercial crisis the Executive Government may perhaps be able to do something; but I believe it will in general be found that the Legislature is comparatively powerless, and that it must wait the return of a more normal state of things before it can apply any remedies with a prospect of effect. No error in legislation, it seems to me, can be greater than that of supposing that it is in the power

of Parliament to devise some sudden panacea for the evils engendered by commercial discredit, or that such a period as that which we have just passed through constitutes any ground for calling upon the Government to come forward with some code of laws to regulate our currency and place it upon a new foundation. Least of all can I admit that that demand is in any way justified when no distinct and precise proposition is submitted to the House, and when a mere vague and general appeal is made to the Executive, unaccompanied by any statement of the remedies which it might be expedient to adopt.

Supposing that we descend from these lofty considerations, and that, according to the phrase of the Scotch lawyers, we condescend upon particulars, it will naturally occur to the House to inquire what specific alterations of the law would suggest themselves for consideration at the present time, independently of that other change of system which I have described for the development of the Act of 1844. One question is whether there should be a relaxing power engrafted upon the Act, to be called into activity at moments of commercial crisis. The plan which seems to have been ultimately acquiesced in after the debates of 1847 was that the matter should be left to the discretion of the Executive Government, to be exercised in cases of emergency. Now, the power of relaxing the legislative limit might either be vested in the Executive Government, or, as has also been suggested, in the Directors of the Bank of England. As to the latter alternative it really seems to me that to impose certain restrictions upon the Bank of England and at the same time to give them the power of dispensing with those restrictions, is almost equivalent to making no law at all. Therefore if there is to be a relaxing power, we are driven, I think, by the necessity of the case to vest it in the Executive Government. The course recommended by the Committee of the House of Lords which reported on this subject in 1848, after the inquiry consequent upon the commercial distress of the previous year, was described in these words:—

"To leave these cases when they do arise to be dealt with by the irregular exercise of the mere authority of the Crown, and its advisers, setting aside 'once in five or six years,' or even at periods more remote, the express provisions of a distinct statute, appears wholly inconsistent with that fixity and order which it is or ought to be the object of all law to secure.

* * * * *

"The Committee are of opinion that the principle on which the Act of 1844 should be amended is the introduction of a discretionary relaxing power; such power, in whomsoever vested, to be exercised only during the existence of a favourable foreign exchange."

Such was the conclusion of the Committee of the Upper House. The Committee of the House of Commons came to a directly opposite conclusion. They say:—

"Your Committee have had under their consideration whether it is advisable that powers should be conferred by law upon the Government to enable them to meet the occurrence of any circumstances which may call for extraordinary interference; but they have come to the conclusion that, looking to the impossibility of foreseeing what the precise character of the circumstances may be, and also what may be the measure best calculated to meet them, it is more expedient to leave to those with whom the responsibility of the Government may rest at the time to adopt such measures as may appear to them best suited for the emergency."

I will now trouble the House with the opinions of two very eminent witnesses on this subject. The one is Mr. Hubbard, who, when examined before the Select Committee on the Bank Acts in June last, gave the following evidence:—

"At present it is the established practice of the Government not in any way to interfere to control the discretion of the Directors with regard to the management of the Bank?—Not at all.

"Assuming that this is the rule, and also assuming that it is conceivable that some extraordinary circumstances might arise in which it might be desirable for the Government to release the Bank from the restrictions that are imposed upon it by the Act of 1844, would you prefer that the Government should interfere upon their own responsibility, as they did in 1847, or that the power of interfering in certain cases should be conferred upon them by Act of Parliament?—I think that to introduce any provision to meet a contingency would be highly undesirable, because it would have the effect of detracting from the moral influence which the Bank Act now has in enforcing the prudent conduct of all banking and commercial operations.

"Therefore with respect to the question of power being given to the Government to interfere in extraordinary cases, you would rather that the law should remain in its present state?—If any events were to occur, from whatever cause, which suspended the whole action of credit throughout the country, the Ministers of the day would, no doubt, hold it to be their duty to apply some immediate and powerful remedy; but I think it undesirable to enter upon the contemplation of events which in the ordinary course of things are not likely to occur, and the entertaining of which can only, I think, be detrimental to the proper consideration of the Bank itself.

"Does it not appear to you that such a crisis, if it ever were to occur, would be of so extraordinary a nature that it almost lies out of the domain of the law to provide for it?—Exactly so."

Therefore Mr. Hubbard's opinion is in favour of leaving the law in its present state. The next witness whom I shall quote is Lord Overstone—but I am afraid that I am wearying the House with extracts. ["No, no!"] In the evidence given by that high authority before the Committee of the House of Lords in 1848 he is asked:—

"Assuming that the Act of 1844 is to continue to be the law of the land, and assuming that it is necessary that a discretion should from time to time be exercised, under possible circumstances, to suspend the action of that law, in what way are you of opinion that that discretion can be most safely lodged, with the view to ensure as little as possible a departure from this statute?"

Lord Overstone replies:—

"I think it important to render a recourse to the suspending power extremely difficult, and such as will be resorted to only under the last and most extreme necessity. I think that by leaving the Government to do it upon its own responsibility, and as a violation of an existing Act of Parliament, we obtain a better protection against too easy and ready an exercise of the power than by lodging the discretion with any other parties.

* * * * * * *

"At what period of pressure do things become not amenable to principle?—When the actual conduct of parties becomes such that you cannot bring it under the test of any ordinary principle. When people act not from any reasonable motive, but under the blind influence of panic, I consider their conduct as not amenable to principle."

This last answer marks with tolerable distinctness the circumstances under which the noble Lord thinks the Act of 1844 ought to be departed from. Lord Overstone is next asked:—

"Do not you think that if the discretion is only to be exercised under circumstances so extraordinary, it is almost impossible to anticipate them by legislation?—The circumstances under which it would be necessary to exercise the discretion cannot be defined beforehand. There is also this difficulty—the very knowledge that such a measure may be resorted to tends to check the introduction of the natural and proper correctives. Therefore, though you cannot altogether get over the difficulty, I think it is obvious that the true policy is to do nothing that shall in any way whatever strengthen the feeling in the public mind that under pressure they will have this relaxation; for in proportion as they anticipate it, in the same degree they will abstain from the proper and natural correctives; and to whatever degree they abstain from resorting to those, in the same degree the ultimate pressure will be augmented."

These opinions are in favour of not interfering with the existing law. Now perhaps, I may be permitted shortly to express my own opinions, intimated as they have been on a previous occasion to the House. I confess that, looking at the precedent of 1847, and having regard also to the manner in which this House has agreed to the Indemnity Bill lately passed, I do not believe that if any commercial crisis should hereafter occur any great practical difference will exist in the position of a Government between their view of the effect of these two precedents and the conduct which they would pursue if they had legislative authority to suspend the Act, but were called upon to assemble Parliament within a fortnight or three weeks after exercising that authority. If the suspending power were, as it ought to be, treated as one proper to be exercised only on extraordinary occasions, my belief is that the practical difference between the two states of things would not be very important. My inclination would, therefore, be to let matters rest as they do at present. At the same time if it were the general opinion of Parliament that it is an unconstitutional exercise of power on the part of the Executive to suspend the law, and afterwards to come for an indemnity—although I confess it seems to me that the passing of an Indemnity Bill condones whatever constitutional offence may have been committed—if that view should prevail, I should feel no insuperable objection to the adoption of such a course. At the same time, as far as my own opinion is concerned, I see no reason for disturbing the present state of things.

There is another remedy which may be employed in extraordinary cases, which has sometimes been resorted to in periods of commercial distress, and which I have heard suggested as a substitute for a temporary suspension of the Bank Act. I mean an issue of commercial Exchequer bills. Of course, if Parliament were sitting, and such a remedy were thought advisable, it would be in the power of the Executive Government for the time being to ask Parliament for a power of issuing such Exchequer bills, and of lending them to firms which might be in temporary difficulties. But let me observe that Exchequer bills are not money—they are securities—and that what houses in difficulty require

at a moment of commercial crisis is money itself, and not merely securities. Therefore, although commercial Exchequer bills would be of some advantage, nevertheless they are not the most convenient or appropriate remedy for the evil. It has likewise been suggested to me that, instead of the Bank making issues in excess of those which the law authorises, a power might be vested in the Government on such an occasion to issue Treasury notes in the nature of bank-notes, and to make them a legal tender. That, it is said, would be doing by legal authority what has been done, as it were, surreptitiously and under a cloak by the letter recently written to the Bank. I have heard this suggestion from a gentleman whose name would, I am sure, command great respect if I mentioned it to the House; but it seems to me to be open to this objection,—I should be sorry to authorise the Government by Act of Parliament to issue inconvertible notes. If these notes were payable on demand it is clear that the Government at a moment of crisis has got no gold; it possesses no means of paying notes on demand: and therefore the only way by which it could discharge its obligations would be to place itself in the hands of the Bank and say, "Be good enough to allow our notes to be presented to you, and we will borrow the use of your bullion, and will pay you a certain price for the notes which you may be called upon to cash." Knowing the disposition of the Bank to do everything by which they can promote the public service, I think it probable that an arrangement of that sort might be effected if the Bank reserve of bullion would admit of it. At the same time it appears to me that the difference between that state of things and what has actually taken place would be in name rather than in reality; because if these over-issued notes, called Treasury notes, were payable at the Bank of England with their bullion reserve, I do not see what we should gain by calling them Treasury notes. It seems to me to be much simpler to do as we have done—authorise the Bank to increase their own note circulation. If, therefore, the appeal for another currency policy and for some grand scheme of legislation is founded upon any notion of that sort, I cannot admit that any great public benefit would arise from it.

Then we come to the question of the

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enlargement of the limit of £14,500,000, or, as is sometimes proposed, the substitution of either £16,000,000 or a larger number of millions of notes to be issued by the Government in place of the credit-notes of the Bank of England; and it is alleged that in that manner, if the quantity were sufficiently increased, the difficulties now experienced in times of commercial panic might be removed. This plan of making a large issue of inconvertible notes was brought by several witnesses before the attention of the Committee of last Session; and on a former occasion I happened, erroneously as it seems, to ascribe to my hon. Friend the Member for Warwickshire (Mr. Spooner) the opinion that he was in favour of inconvertible notes. Now, he altogether disavowed that opinion, and there is no Member of this House whose opinion I should be so unwilling to misrepresent as his. I think, however, he will admit that my error was not an unnatural one, when I recall his attention to the evidence given before the Committee of last Session by one of the witnesses (Mr. Twells), who, as I understand, represented the opinions of my hon. Friend. This is the last extract with which I shall trouble the House, but it contains opinions altogether different from those which I have previously adduced, and I therefore feel it is but fair that I should give an example of witnesses of all classes of opinions who were examined before that Committee. Now, these are Mr. Twells' opinions with respect to the policy of enabling the Government to issue £20,000,000 instead of £14,500,000 of bank-notes of the character which he describes in his answers. In order to avoid the possibility of misrepresenting my hon. Friend's opinions, I desire, if the House will allow me, to quote Mr. Twells' answers in his own words. He is asked:—

"You recommend the issue of £20,000,000 of bank-notes not payable in gold on demand, but receivable by the Government in payment of taxes?—Yes.

"Of course it would be necessary to omit the words, 'I promise to pay,' because these notes would not, in fact, be promises to pay on demand?—Quite so.

"Do you think that that currency would run the risk of ever being depreciated in value—that is to say, that inconvertible £5 notes would not exchange for five sovereigns?—I do not know as compared with sovereigns; that, I think, is of no consequence in the world. We want it for our internal commerce, and we want it to pay Government their taxes.

"I thought you said you could conceive that it might happen that under the system which you recommend the £5 note would not exchange for five sovereigns?—That I think is not material. A bank-note, I conceive, is convertible into everything. If you wanted to convert it into gold, you would go to a bullion merchant, and he would give you the market value in gold, as he would in any other commodity; it might be more or it might be less than five sovereigns."

The House will see that this is rather an interesting question to those who have the collection of revenue, if the notes should not be exchangeable for five sovereigns. Then the witness is asked:—

"What do you conceive to be the advantage of making those inconvertible notes received in payment of taxes?—The advantage is, that it keeps them at a steady price. I go by experience, and I am looking at the twenty years when we had no gold.

"If you make these notes receivable in payment of taxes, is not that a violation of the principle of inconvertibility?—No, I conceive not.

"You compel the Government to take one of these £5 notes for a sum of five sovereigns, do you not?—For five pounds. If they tax me they do not say, we require you to pay five sovereigns, but five pounds. It is a term of account, and I give them five pounds.

"Then you think that a pound is something independent of the value of the gold which it represents?—Quite; we had the term 'pound' in account when we had nothing to represent it; it is only recently that we have had the sovereign, which represents the pound.

"Do you think that a pound then meant a piece of paper with certain words printed upon it?—It had a superscription, which gave it a value in the country payable for all taxes.

"Then your view of a pound is that it is something quite independent of any value in metal?—In gold; as completely now as it was in the early part of my experience.

"And you think it desirable that a currency should be established upon that principle?"

Now here is the important point. His answer was—

"I would have it established upon that principle; but, as I have stated, if there can be any amendment suggested it will be very desirable."

I think, bearing that evidence in mind, the House must see that my error in supposing my hon. Friend to be in favour of an inconvertible currency was not an unnatural one; but of course I don't dispute the accuracy of the statement he has since made. If, however, we do not adopt the recommendation of Mr. Twells—if the principle which he lays down is not to be made the foundation of the new currency legislation which the Government is called on to produce in this current month of December, perhaps it may be said that a more limited proposition should be adopted, such, for example, as that the issue permitted under the Act of 1844 should be increased by one or two millions. Now, I admit that there is nothing in the principle of the Act of 1844 which requires that the amount should be exactly £14,500,000. There is no magic I know of in that particular amount, which was fixed on grounds repeatedly stated at the time; and I admit that a person who is friendly to the principle of the Act may fairly suggest any amount more than £14,000,000. That is a matter for the consideration of the House; but I confess that I doubt extremely whether the advantage which many gentlemen anticipate from such an alteration would be derived from it. So far as I understand the matter, there are two objects in view. One is from that school, in which I must not number my hon. Friend (Mr. Spooner), represented by Mr. Twells. They consider that the simple augmentation of the paper currency is an advantage to the country and increases the wealth of the nation; that by increasing the limit of Bank issues £2,000,000 you would add £2,000,000 to the amount of notes in the hands of the public. That I take to be an entire delusion. I do not believe that the Bank of England would induce the public to use more notes than they use at present, and if the power were given, unless some stronger occasion than we have yet witnessed were to occur the present number of notes in the hands of the public would not be increased; therefore I hold that opinion to be an entire delusion. But it is said the Bank of England would have a larger reserve in the banking department, and that in a moment of crisis the necessity for resorting to extraordinary measures on the part of the Executive Government would be avoided. It would not be avoided, however, if the Bank of England diminished its bullion reserve in proportion to its increased power of issuing notes, which it would have an undoubted right and would in some degree be driven to do. The Bank would have a right to keep £2,000,000 less of bullion in reserve, and the only difference would be that there would be £2,000,000 of notes issued on securities instead of upon that amount of bullion; and the banking reserve when a crisis arrived would be exactly what it would have been if such an arrangement had not existed. But

the resources of the Bank would be less, inasmuch as the bullion on which its strength rests would be £2,000,000 less than before. If the Bank were to act in that state of the law exactly in the same manner as it did in the present state of the law, then, undoubtedly, on the occurrence of a commercial crisis its bullion would be the same, and it would have £2,000,000 more in the banking department to work with; but we are not entitled to reason on a state of things so uncertain; it would be hazardous to form any expectations of that kind, and therefore I am not in favour of altering the amount specified in the Act of 1844, though it is a fair question for the consideration of the House and the Committee which I propose we should appoint.

There is another question which may be properly considered at the present time, and that is whether it would be expedient to require some additional guarantee for the issues of country banks in England and of the Scotch and Irish issues in the form of a deposit of Government securities. This subject has been imperfectly investigated by the Select Committee of last Session, and therefore when the proposed Committee comes to the subject of the condition of issues it will be one deserving of their consideration.

Another point is whether Bank of England notes shall not be made a legal tender in Ireland and Scotland. The circumstances out of which the present law has grown were fully and accurately stated by a noble Lord (Lord Monteagle) in another place in the course of yesterday. He stated that the original enactment by which the Bank of England note was made a legal tender except at the Bank itself, was general in its terms, and apparently included both Ireland and Scotland; but, inasmuch as doubts arose as to the construction of the Act, which was an Act renewing the charter of the Bank of England only, it was held to be confined to England, and in 1845 an express enactment was passed by which the operation of the clause relating to legal tender was limited to England. It seems to me that no good reason can be alleged why that clause should not be modified, and why we should not revert to what seems to have been the design and intention of the original enactment.

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There is another question, too, which has been raised by the hon. Member for Dublin (Mr. Vance), and that is whether it would not be proper that in Ireland the notes of the Bank of Ireland should be made a legal tender. That seems to me a fit subject also for the consideration of the Committee.

I have been forced most reluctantly, after the indulgence which the House showed me last week, to trespass at considerable length upon their time. I have seen the interest that the general question has excited, and, having necessarily paid much attention to it, I thought it my duty to state my views thus fully to the House. It appears to me that if the House should adopt the Motion I have made, accompanied with an instruction to inquire into the causes of the commercial distress—if they appoint a Committee that will follow up the inquiry of last Session and report on the general principle of the Act of 1844, which will investigate the subject of provincial issues in England, and also in Ireland and Scotland, and which will, so far as they think it expedient, report on the causes of the recent commercial crisis, they will make the best provision for legislation that this House can possess, and, the exigencies that called for the Indemnity Act having passed away, they will have done all that the circumstances arising out of the late crisis required. The right hon. Gentleman concluded by moving the appointment of a Select Committee.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into the operation of the Bank Act of 1844 (7 and 8 Vic. c. 32), and of the Bank Acts for Ireland and Scotland of 1845 (8 and 9 Vic. c. 37 and 38)."

MR. DISRAELI: It seems to me that the argument of the Chancellor of the Exchequer rests on a rather inconsistent basis. The right hon. Gentleman acknowledged without any qualification that the present commercial distress originated in a disturbance of capital and credit. Why, then, says the right hon. Gentleman, is our attention directed to the subject of the currency? One would suppose that the right hon. Gentleman had forgotten for a moment the circumstances under which Parliament is assembled, and the reason of our meeting at this inconvenient time of the year. If currency has nothing to do with

this question, why did the right hon. Gentleman and his colleagues violate the law which regulates the circulation of bank-notes? When, therefore, the right hon. Gentleman tells us to-night that he cannot understand why criticism is offered on that law, I can only suppose that while he was speaking he had inadvertently forgotten the cause of the present Session of Parliament. Considering what that cause is; considering that this commercial country found itself in a state not merely of distress and distrust, but of absolute convulsion; considering that we are assembled together in consequence of that condition, and that it has been announced from the Throne that that commercial condition has already injuriously affected the state of our manufacturing districts; considering that the Government, in consequence of that state of affairs, had recommended the Directors of the Bank of England to violate a law, I could scarcely have supposed that there was one Member on either side of the House who did not expect that the first duty of Parliament was to express some opinion on such events, and perhaps to express some sympathy with incidents of so disastrous a character. But, Sir, instead of that, it seems to be considered that we are assembled merely to register a Bill of Indemnity for Her Majesty's Ministers, and that we are to express no opinion upon what has taken place—to offer no suggestions of a remedial character—but that we are to allow the startling incidents that have occurred to pass unnoticed and uncriticised, merely expressing our opinion that the violation of the law by the Government was a politic and proper act. Let hon. Gentlemen cast their memories back to a few months ago, when we were all candidates upon the hustings for the votes and the confidence of the people of England. What fervent declarations were not then listened to of devotion to our constituents! How vigilant we were then to guard their interests! How devoted we were then to the maintenance of their rights! Events have since occurred which have materially affected those interests. An amount of distress seldom before equalled already exists; and yet we are to express no opinion upon the subject. We are expected to pass from this House in silence, and when we meet our constituents we are to give an account of our labours, briefly thus:—Summoned by our Sovereign to be informed that the country was unexpectedly in a state of almost unparalleled confusion, and that Her Majesty's Ministers had, in consequence, been obliged to violate a law of paramount importance, we assembled, we made no inquiry on the subject, but sanctioned the act and returned to our respective counties and boroughs. I do not think that a course which will conduce either to the public welfare or to the honour of Parliament, and I therefore anticipated from the very first day of our meeting, that there would be a discussion upon a subject which now so much engrosses the attention of the country. If I avoided mixing up such a discussion with the debates upon the Indemnity Bill, it was because I thought I read aright the feelings of the House, that it would be more convenient that the two subjects should be separated, and that it would be less invidious, in every sense of the word, that a discussion upon the causes of the present distress should not be mixed up with the Act of Indemnity, as to the necessity of which both sides of the House were agreed; but with a clear understanding, as I apprehended, on the part of Her Majesty's Ministers, that such a discussion would certainly take place. With reference to some remarks which have fallen from the right hon. Gentleman opposite, I think he has rather misconceived some observations which were made at the commencement of this Session. He seems to suppose that I, or some one else, made an attack upon the labours and character of the late Committee which inquired into the Bank Charter, and of which I had myself the honour of being a member. The right hon. Gentleman says the evidence taken before that Committee was not inferior to the evidence taken before former Committees, although it appeared to have been referred to in a derisive spirit. I certainly never said that the evidence taken by that Committee was inferior to the evidence taken before former Committees. That was impossible, for the evidence was the same: upon all these occasions we have the same witnesses, we have the same information, we have the same facts adduced, and the same arguments urged. Let the Chancellor of the Exchequer, therefore, understand distinctly that, so far as I am concerned, I fully appreciate the labours of the recent Committee.

It is because their labours are invaluable, and because, by the evidence they have obtained, and the knowledge they have elicited, they have completely exhausted the subject, that I think any further investigation unnecessary. The Chancellor of the Exchequer said that when the Committee separated they recommended the re-appointment of a similar Committee during the present Session. I am not answerable for that recommendation; I was not present when it was made; but I do not wish to avail myself of such an excuse as that. Surely the Chancellor of the Exchequer will not pretend for a moment that the events which have occurred in the commercial world since that recommendation took place will not justify any hon. Gentleman who might have agreed in the month of August last that it was expedient to recommend the House in the usual formal manner to reappoint the Committee—the right hon. Gentleman will not for a moment contend that the events which have since occurred with respect to the Act of 1844 may not fully justify any hon. Gentleman in coming to the conclusion that the subject requires no further investigation, but demands on the part of this House a distinct and definite determination. I cannot collect from the right hon. Gentleman why he is in favour of any further inquiry on this subject. So far as I can follow his observations, he seems to have made up his mind upon every point connected with the circulation of bank-notes that could possibly be submitted to the consideration of a Committee. There is only one point upon which, in my opinion, his declarations have not been perfectly satisfactory. I understand from him that on the whole he would leave the law exactly in its present position, but how is he to restore to that law the moral influence which all laws ought to possess? He may approve the arrangement by which an arbitrary discretion is vested in the Minister, but he cannot forget that the law has been twice violated; that, if left in its present position, the people of this country will look upon it practically as an obsolete law; that no human being will now ever believe that it can really be practised; and the right hon. Gentleman must know as well as any hon. Member of this House, that the moral influence which all laws ought to possess is, so far as this statute is concerned, absolutely dead. It is, in my opinion, the duty of the House to arrive at some definite conclusion upon this subject; and when I am told that by the Motion of which I have given notice I avoid any definite conclusion, and that I cannot be prepared to attempt any hasty legislation in December, permit me to say that the Amendment I am about to propose is the only proper and efficient Motion that could be made, and that it is one which, if assented to, will put the House in a clear and intelligible position. What I want the House to agree to is, that we should not stop future legislation, for we shall stop such legislation if we agree to further inquiry. In submitting to the House my Amendment I wish to induce them to say, "We will not now appoint a Committee of inquiry, because in that case we shall be stopped when we meet again from discussing this question, and arriving at some practical result." Every one knows that if now, in the month of December, a Bill on this subject were prepared, it would be impossible for any one except a Minister of the Crown to introduce it; but, under the circumstances in which we find ourselves, it is in the power of independent Members to induce the House to come to this practical conclusion—that we will not assent to a Motion on the part of Her Majesty's Government which, when we return to real business on the 4th of February, will be a padlock on the mouth of every hon. Member who wishes to express his opinions upon this subject, and an obstacle to any party or combination of men who desire to recommend legislation on a question of so much importance to the country. I wish the House to recollect what has occurred in the commercial world—if one may use so limited a phrase—during the last month or two. I sat in this House when the crisis of 1847 took place; I was also here when the commercial convulsion of 1837 occurred; I have read, as all of us have done, of what took place in 1825; but nothing that took place in those years at all resembled in variety and extent what has occurred in this country within the last month. In 1825 there was a great deal of what is called overtrading and speculation, but it was chiefly excited by the fact that commercial relations with the Spanish

American States were for the first time opened to this country. In 1837 you had very extended relations with the United States of America. In 1847 you had a famine coincident with an immense investment of the ready and floating capital of the country in public works. On all these occasions, great as were the distress and distrust, great as was the convulsion, you could place your finger upon one or upon two main causes which brought about a suffering which, however vast, was in a certain sense partial. But what do we find now? This disturbance of credit is not limited to this country, nor is it limited to some other foreign nation with whom we have intimate relations of trade; it is in a manner general. You have suspension in the United States. You have another commercial republic, which bases all its operations upon a metallic currency, in a state of bankruptcy. There is no country in Europe in which there is not a disturbance of credit; in many credit is prostrate. The whole of the Baltic trade is destroyed. The disturbance extends even to Spain, and is found throughout the south and to a great extent in the north of Germany. The consequences to England are infinitely more serious than they were in any of the other cases to which I have referred. In 1847 a document was published which produced a great effect in this House. It was a list of the mercantile firms which had failed, and the amount of their liabilities, and it was whispered with a sort of dread that these liabilities reached £17,000,000 sterling. That was in the great year 1847, the terrors of which are still fresh in the memory of this country. The liabilities of the houses which failed between August and the end of November of that year reached £17,000,000 sterling. But, Sir, to what was it my painful duty to advert the other night? I called the attention of the House to a list of the houses which had up to that moment suspended. Other failures have occurred since that mournful catalogue was drawn up, but the least amount of their liabilities is £45,000,000. Why, that is much more than double the amount of the suspensions which have engraven upon the memory of the year 1847 such a character of terror, of panic, and of alarm. Under these circumstances it seems to me that it is the duty of Parliament to inquire into the causes of this strange convulsion. And, Sir, if the right hon. Gentleman had come forward and proposed the appointment of a Committee to inquire into the causes of commercial distress, I should have been perfectly willing to support such a proposition; but when I find a Committee proposed to inquire into the causes of commercial distress, and how far that distress has been occasioned by the circulation of bank-notes, I know from experience what is preparing for this House and for the country. Why in 1847, when feelings similar to those which now influence us in so great a degree were very fresh and prevalent, the Government proposed a Committee to inquire into commercial distress, and the effect upon it of the circulation of bank-notes. That was the very proposition they made, and what happened? Thirty-seven days did that Committee sit, and it was from first to last a mere wrangle about the circulation of bank-notes. It was a Currency Committee, and never performed those functions which the House intended it to discharge. It merely diverted the attention of the House from the Act of 1844, as this Committee will, and the consequence is that the occurrence, after the expiration of ten years, of a commercial convulsion, produced by a derangement of the capital and credit of the country, but aggravated by a Currency Act, finds you just as much advanced as you were in 1847. If you agree to the appointment of this Committee, you will find that when another year has elapsed you will have obtained no accurate knowledge upon the subject—you will have arrived at no decision which can guide you; and when another commercial convulsion occurs—which may happen sooner than you expect; this is a rapid age, and the period may not be decennial—you will find yourselves in the same hopeless position which you occupy at present, and the only remedy which will be proposed will be a Committee to inquire and to examine what influence bank-notes produce upon commerce. Now, Sir, it is not, I am sure, with any feeling of presumption that I will endeavour to state briefly what I think are the causes of the present commercial distress, and I shall be very glad if hon. Gentlemen who follow me, and who believe that my statements cannot be supported by evidence, will correct me. I am quite certain that we

shall have a better chance of arriving at some practical result by discussion in this House, than by consigning this affair to the investigation of a Select Committee. Now, Sir, I believe that the primary cause of the present disturbance of capital and credit throughout the world is the great discoveries in the precious metals which have taken place of late years. I take the year 1852 as the culminating point. In the year 1851-2 we had in the Bank of England an immense treasure—I think £22,000,000 of bullion; and we had an extremely low rate of interest, certainly not more than 2 per cent. Nor were these circumstances peculiar to England. They prevailed in every great country in Europe, and also in America, which had been earlier acted upon by the Californian discoveries. From 1848 to the present time not less than £180,000,000 or £190,000,000 of gold have been brought into the market. What has been the consequence of this state of affairs? An idea prevailed in every city that the time had come when a great change in the value of money would take place, and when the increase of capital would afford the opportunity of executing those public works which had in many countries long been desired. In the first instance you had the construction of railways throughout Europe. France, which had before constructed with difficulty only one or two extremely necessary lines, now made those railways in the centre and south, with the vast works of which hon. Gentlemen are all familiar. France did more than this. She entered upon the erection of public buildings which even Louis XIV. and the first Emperor Napoleon, whatever might be their will, had never been able to execute. You had a new Paris built. In the centre and the south of Europe you had public works on a still more extensive scale. In fact, there was hardly any country, either in Europe or in America, in which there was not a great investment of capital in this way; and upon this immense investment there was a superstructure of speculation in the shares of companies, which was the necessary consequence of the first investment. A new class of houses, a new class of monetary institutions, were established, in order to collect the savings and the superfluous cash of the world and invest them in these undertakings. That was the time at which was established the Crédit Mobilier, which pressed its affiliated institutions upon every city in Europe. Now, hon. Gentlemen are perfectly acquainted with the character of these institutions. We have criticised them a good deal in this country; we have impugned the principle upon which they were founded; we have expressed our suspicions of the large dividends which they distributed to their shareholders; we have denounced their investments of capital and their advances as unscrupulous, reckless, improvident, and unprincipled; but from what has recently occurred in this country, I think that while we were so conscious of the mote in our neighbour's eye, we were not sufficiently aware of that which was equally, and perhaps more, embarrassing to our own sight. Well, Sir, these great undertakings stimulated consumption, and this great stimulus to consumption increased the price of all produce. But just as gambling in shares rose upon the construction of public works, so gambling in produce rose upon fair but stimulating consumption, and you had that extraordinary rise in the price of produce which astounded and perplexed the world, and which was, without sufficient consideration, attributed entirely to the increase of our metallic treasures. What was the consequence of this state of things? Both in this country and in Europe you have before had overtrading, speculation, and reckless investment, but the thing never lasted more than a couple of years at the outside; but in this case it went on much longer. It was considerable in 1852, and year after year it greatly increased. Year after year these undertakings, these operations, and these engagements throughout the world were carried on by the application of capital and by combinations of credit which were never equalled in extent. Now, in some inquiries I made only three days ago into the general mercantile movements of late, I became acquainted with an instance which appeared to me—and I think it will also appear to the House—remarkable, but I am told that it is by no means a singular instance of the manner in which credit has been brought into play throughout the world. A merchant at New York drew on a merchant at Hamburg, but the latter declined to accept the bills unless he received an invoice. This was acceded to, and the invoice was sent. Now what was the invoice?

The invoice was for a cargo of wheat bought at San Francisco, in California, and despatched to Melbourne. The merchant at Hamburg then accepted the bills, and the moment he did so he drew upon a merchant in London, who accepted his bills, when the Hamburg merchant, converting these last bills into capital, took up the bills which the merchant had drawn in America. Therefore the result of this transaction is, that the merchant in London supplies the capital for a commercial speculation from the capital of California to Melbourne, totally ignorant of the circumstances of the transaction, knowing nothing of the persons from whom the cargo was purchased, or to whom it was consigned, unaware whether the speculation was justified or the cargo a good one and whether it was purchased or supplied by a fair dealer. And then you are surprised that firms in London and Hamburg should fail. Now during these five wonderful years since 1852, you have had the occurrence of a variety of incidents each of which in ordinary times would have brought about a convulsion: you have had a European war, the two greatest States in Europe have negotiated large loans, you have had three successive bad harvests in France. Any one of these circumstances in ordinary times would have thrown the whole fabric down. You have, likewise, had a failure in the silk crop, which in extent has never been equalled in that branch of trade. Any of these cases, I repeat, would in ordinary circumstances have brought about this convulsion long ago. What, then, has retarded it? The most serious thing for the House to consider is, why has all this gone on to such an extent and for such a duration? I think I can point out to the House the cause. For the last three years we have been on the eve of a great crash, and exactly at the moment when the exchanges were turning, when accommodation was getting refused, when the crisis was at hand, and when all those acquainted with these affairs were looking about with terror and alarm, came those golden galleons every autumn from Australia, and those rich Californian argosies. You had an immense mass of capital thrown on the market, and for the moment relief was given. But the thing had gone on to that vast extent that it was not in the power of even the addition of £25,000,000 or £30,000,000 of treasure any longer to prevent that crash which has now occurred. The most surprising thing of all is that we are suffering in this manner at a time when not only in this country, but throughout Europe, we have enjoyed an exuberant harvest. No doubt the panic which prevailed in this country and the calamities consequently in a great degree to be attributed to it, have been mitigated by that circumstance, as well as by the recollection that in 1847 the suspension of the law was authorised by the Government of the day in order to assist and relieve the suffering. Still, with all these advantages, with an exuberant harvest, with the consciousness that the law, the severity of which had before created such alarm, would be relaxed, the degree of calamity which occurred in this country alone is testified by the amount of suspensions to have been infinitely greater than double the amount of suffering in 1847. The right hon. Gentleman the Chancellor of the Exchequer tells us that in his opinion the commercial distress is occasioned by the derangement of capital and credit. I accept that opinion of the right hon. Gentleman, but he will allow me to remind him that he is the first Minister who ever made such an admission in a commercial crisis. He is the first Minister that ever maintained that commercial distress was occasioned by the derangement of capital and credit. If we try to form an idea of the consequences and extent of the operations I have referred to, imagination would scarcely enable us to come to a sufficient conclusion. I speak on the authority of those who are deeply acquainted with these transactions, who have the largest knowledge of foreign trade, and I express their opinion when I say that the operations of these five years are not to be measured by millions or hundreds of millions, but by a denomination unusual even in commercial concerns. In these transactions what has been the share of England? By the most moderate estimate it is to be computed at hundreds of millions; and yet we are told that transactions of such a kind can be affected by a portion of £20,000,000 of notes of the Bank of England. We always exclude from our calculation, when these disasters arise, every other form of credit that influences prices and operations, and we concentrate our views and criticism on one of

the smallest forms of credit that can influence transactions. Derangement of credit can only be produced by abuse of credit, and not by mismanagement of currency. [Sir CHARLES WOOD: Hear!] Now, the right hon. Gentleman cheers that observation, but what have he and the school to which he belongs been doing for the last thirty years, whenever there was a disturbance in the commercial world, but ascribing that commercial disturbance to arrangements respecting the bank-note circulation? This is not an affair that depends on assertion, for we have it in evidence before us. What happened in 1825? There was a commercial convulsion then, and what was it alleged to be caused by? The issue of notes by country bankers! That was then stated as the cause, and no one pretended, as we learn now from the Treasury bench, that it was the derangement of the capital and credit of the country. No! we denounced then the poor, innocent country bankers, who had circulated too many country notes. No doubt the country bankers then did many improvident things, and made very injudicious advances of their capital; but we never went into that. We declared it was the circulation of their bank-notes that produced the commercial convulsion of 1825. What happened in 1837?—and I rather suspect the right hon. Member for Halifax must have, from personal experience, all these details fresh in his recollection. There was a commercial convulsion in 1837, and to what was that attributed? To the joint-stock banks issuing so many bank-notes. No person was more distinct in that assertion, or more precise in that charge, than the right hon. Member for Halifax, who has been just now cheering the new doctrine of the Chancellor of the Exchequer, that the commercial distress is occasioned by a derangement of capital and credit. In 1847, what happened? There was another great commercial convulsion. In 1825 it was produced by the circulation in the notes of country bankers; in 1837 it was produced by the circulation of the notes of joint-stock banks; and in 1847, what produced it according to the great authorities? Why, the mismanagement of the Directors of the Bank of England in the circulation of their bank-notes. In every instance the great authorities have confounded capital with currency, and on every occasion have attributed to the least influential form of credit, consequences which could only be effected by the employment of credit and capital on a colossal scale, and which no circulation of bank-notes could ever have brought about under any circumstances. I will show the House, if they will permit me, that in this misapprehension lies the cause of the difficulty under which we are now labouring, and in its solution alone shall we ever find any effectual means of extricating ourselves from these perpetually recurring embarrassments. Now, Sir, it has always struck me as a very curious thing—and I have often pondered over it—that men should persist in such a confusion of ideas as always to mistake capital for currency, and should attribute to the least powerful instrument the most important results. It is a very curious thing also, that in this country the two schools of currency, which agree in no single point besides, are in accord in one respect. That high authority to whom the right hon. Gentleman has referred (Lord Overstone) and my hon. Friend behind me (Mr. Spooner)—the first of whom does justice to the merits of bullion, and the other who sufficiently esteems the merits of paper—agree in only one point—that commercial convulsions are occasioned or may be prevented only by a wise administration of the circulation of bank-notes. I want to know the reason why persons differing in every sense of the subject generally should agree on this point. I think, however, it may be accounted for, and in ascertaining the cause of that difference we may advance a step in ascertaining the means of extricating ourselves from the embarrassments surrounding this unsettled subject. The resumption of cash payments in 1819 was followed by a great fall in prices for two years, and even more, after that time. It was not at all surprising that those who had suffered, and sharply suffered, should have ascribed to that resumption the great injury they then experienced. Sir, I believe that the resumption of cash payments had nothing to do with that fall of prices. I do not think that any problem of Euclid is capable of more complete demonstration than that conclusion. However, nothing was more natural than that, in dealing with a subject so abstruse and under the influence of excited feelings, a great body of men who had suffered so severely should attribute to that resumption of cash payments

the fall of prices which went on for two or three years afterwards. It was at that time a school of currency arose which has exercised at moments of distress considerable influence out of doors—I mean the Birmingham school. Now, Sir, the other school of opinions on this subject has been the one predominant in this House. All our public men have accepted it, and I trace the origin of similar tenets on the peculiar influence of bank-notes to the Bullion Committee of 1810. I am sure that no one will speak of the labours of the Bullion Committee but with the respect that all great intellectual efforts and public services deserve. The Bullion Committee vindicated that great principle on which the happiness of a community mainly depends—the maintenance of the standard of value. The Bullion Committee proved that an over-issue of inconvertible paper must be depreciated, and that in our case there had been a depreciation. I think it might be shown by fair argument that the price of gold in those days was raised by some other causes besides the existence of depreciated paper. However, let that pass. That our paper was depreciated, and that the depreciation was demonstrated by the Bullion Committee, no fair inquirer can deny. But Sir, after all, the Bullion Committee sat nearly fifty years ago, and I suppose the Bullion Committee are not an exception to that rule which makes time and thought enlarge the ideas and improve the practice of mankind. It is not very probable that the Bullion Committee, which sat nearly fifty years ago, were correct in every conclusion they arrived at, or that they could have foreseen all those consequences which have since occurred. This is an age of progress. Everything that existed fifty years ago has been subject in that interval to great modifications. Our commerce and jurisprudence as they were established fifty years ago have undergone very great changes, and it is pedantry to suppose that the Bullion Committee could have foreseen all the possible consequences of the principles they advanced and established. After all the sharp experience the country has gone through—after all those great experiments on our circulation—after all those commercial crashes and convulsions—after those endless inquiries before Parliamentary Committees—and after the labours and published opinions of those who have devoted their study to this subject, it would be the height of absurdity to maintain that the science of the currency is in the same state that it was when the Report of the Bullion Committee was presented to Mr. Speaker at that bar. Sir, the Bullion Committee were perfectly right in their conclusion that the inconvertible paper money of this country had become depreciated by over-issue. But, Sir, I think that they rapidly and rashly extended that conclusion to bank-notes convertible at par. Now, Sir, I hold that there is a complete distinction, and one which can be established by irrefragable argument, between paper money and paper credit—that inconvertible notes are paper money and subject to depreciation, but that bank-notes convertible at par are paper credit and cannot be subject to depreciation. I call the attention of the right hon. Gentleman the Member for Halifax (Sir Charles Wood), who I see is making a note, to that position. I hold that by ample, complete, and irrefutable evidence three things are established—first, that a bank-note convertible at par cannot be depreciated; secondly, that it is impossible for any issuer of any bank-notes convertible at par to force them into circulation; and thirdly, that prices cannot be affected by a bank-note circulation under such conditions, further than they would be affected by an equal amount of metallic currency. I hold, Sir, that it has been shown by the labours of our Committees in the evidence they have taken, and in a manner not to be confuted, that there is a clear distinction between paper money and bank-notes convertible at par; and that there is a law which regulates the circulation of bank-notes convertible at par, which prevents redundance, which renders what we call the inflation of the currency impossible, and which makes a balance between the issue and the reflux of the note a certain result. I know the difficulty of treating this subject in what is still, and I trust will always be, a popular assembly. But this difficulty is experienced because we will not discuss the subject in this House, and because we always send it to a Parliamentary Committee. But I hope the House will bear with me while I express as clearly as I can the different nature of the principles which influence these respective operations. Now, Sir, take the case of gold and paper money, and by paper money I mean

bank-notes not convertible. They are introduced into the market as a medium of payment. They discharge this office, and when fresh payments are to be made, fresh gold, if that can be got, and fresh paper, if easier to be obtained, again serve as a medium of payment, and add to the aggregate of currency already existing. But bank-notes convertible at par enter the market, not as a medium of payment, but as a loan on which interest must be paid, and when the time for that loan to be repaid comes round, other bank-notes must return to the issuer to effect that payment. The consequence is that the issue and reflux are always equal, and in the long run the balance is always struck between them. Let us apply these principles to the issue of bank-notes during all those commercial convulsions, which for thirty years have periodically prevailed. Take the issue of country banks which has been already referred to to-night. The commercial convulsion of 1825 was alleged by the Ministers of the day—and the allegation has been repeated by their successors on the Treasury bench to this very moment—to have been occasioned by the over-circulation of notes by the country banks. We have evidence before us which was not in the possession of Bullion Committees fifty years ago, who carried on their investigations without half the advantages which we possess from official returns and statistical inquiries. We have evidence upon that subject before us, presenting results which no man can resist, and which utterly destroy the theory in that respect, always maintained by the right hon. Gentleman the Member for Halifax. We have the returns of the issues of notes by country bankers for a period of twenty-five years. Those returns are on our table, and let any hon. Gentleman look over them, emanating as they do from hundreds of country bankers—supposed to number between 700 and 800—and when they examine those issues they will see at once that there is some law which regulates the issue of bank-notes convertible at par which is too strong for country bankers, or even for a British Parliament. They will find in the whole circulation of England, supplied by hundreds of country bankers, that at a particular period of the year that circulation expands, that at another period of the year it is depressed, that at another period of the year—the middle term—it is quiescent; that these terms correspond with the occupation of the people among whom these notes are circulated; that in the spring, when the farmer buys his stock and pays his rent (and you must remember that the notes of country bankers chiefly circulate in country districts), there is an increase of circulation; that at the end of the year, when agricultural pursuits are dead, the circulation falls; and that after harvest the circulation is equal. Now you will find this same state of things to have occurred regularly for about a quarter of a century, and I will ask how is it possible to observe phenomena of this kind recurring with the regularity of astronomical phenomena, rising in spring, sinking in winter, and equal in autumn, without supposing that there is some law which regulates the circulation of notes, much too strong for any management or any legislation. No one can imagine for a moment that country bankers combine to manage their circulation in the same manner, for of all classes of men bankers are the least calculated to confederate, because their pursuits naturally induce reserve, and they do not communicate their transactions to each other. The returns from our offices now on the table, prove that it is impossible for the issuer of notes to control the circulation, and that it depends on the wants of the community. If he attempt to force issue, he may think he circulates his issue, but he is only lending his capital. The notes come back instantly, and he suffers for his injudicious advances; but if those injudicious advances lead to commercial convulsion, you cannot ascribe it to the circulation of bank-notes. There are no means whatever by which the function of a bank-note convertible at par can be changed. It is circulation, it is currency, and I defy any Minister or any banker to change bank-notes into capital; a man, indeed, may take a large number of bank-notes, and lock them up in his box, but it cannot be said that by having them locked up in his box the circulation is inflated, or that the currency, so far as those notes are concerned, is redundant. But so long as they circulate they are circulation, not capital, and no man can force them beyond the fair demands of the community in which they are current. So much for these unfortunate country banks according to the school of the ultra-bul-

Mr. Disraeli

lionists, of which the right hon. Gentleman is a distinguished member, producing the commercial convulsion of 1825. Let us look at the commercial convulsion of 1837. The commercial convulsion of 1837, according to the ultra-bullionist school, was produced by an over-issue of notes convertible at par by joint-stock banks. Let us look into the facts of this part of the case. Remember that we have evidence and documents which the hon. Gentlemen who made speeches then did not possess. I do not assume for a moment that I have more discrimination or equal discrimination with the right hon. Gentleman and his colleagues, or with any hon. Gentleman here. But I am availing myself of authentic facts, which are now in our possession to guide us, and which were not before us when those speeches were made—speeches, let me remind the House, which influenced public opinion, and are the very foundation of that law which the Government has been obliged to suspend. I come now to the over-issue of notes, convertible at par by joint-stock banks. The joint-stock banks were founded in consequence of the horrible sins of the poor country bankers. It was said to be necessary that we should have banks of a much more efficient character. The circulation of country bank-notes having once nearly ruined the commerce of England and convulsed the commerce of America through its relation to ours, it was necessary that joint-stock banks should be established, and then we were told everything would be perfectly right. Another commercial convulsion comes in 1837, and what does the right hon. Gentleman the Member for Halifax, who is taking notes to-night, say then? Why, he said that he had found the cause to be the over-issue of bank-notes convertible at par by joint-stock banks. Let me recall to the House circumstances with which they are no doubt familiar; but in discussions of this kind it is better to have a clear recollection of what happened. We have heard so much of late of joint-stock banks; they have done such great things; they have accomplished such great disasters; all about them is of such a colossal character, that hon. Gentlemen must not expect that the joint-stock banks which were established in 1835 were of equal dimensions, and of course they don't. But allow me to say that joint-stock banks even then were not of a mean character. When the law was changed 107 joint-stock banks were established in England. They had a paid-up capital of £15,000,000. They had a subscribed capital of nearly ten times that amount. They had 478 branches and agencies pushed in every active town and seat of trade and agriculture in England; and they were established with the idea that they would make a great profit by the circulation of their notes. What occurred? When the commercial crash happened in 1837, it was found that the circulation of joint-stock banks had increased. It had increased during the last two years before the crash occurred £1,500,000. It was instantly said the commercial convulsion of England was occasioned by that over-issue of £1,500,000 by the joint-stock banks. That was redundant currency. That was inflated circulation; and the fall of great houses and the disturbance of the capital and credit of the whole of the United States and of England were attributed to that cause. It was urged by the defenders of joint-stock banks that in fact their business had very much increased, and that there had been a legitimate demand by the public for an increased circulation of notes to that amount, but that was not listened to for a moment. Yet it would seem that few things could be more absurd than for any one to maintain that a commercial convulsion so important as that of 1837 was occasioned by so petty a cause. Nevertheless, let me remind you that these are the instances and these the arguments which have been, not prevalent, but absolutely predominant in this House, and it is because these arguments founded on these instances have been accepted so easily that we have had laws like the law of 1844 passed, which, to the shame and confusion of the country, is upon every recurring emergency obliged to be suspended. But, now, what happened in 1837 with respect to these joint-stock banks? It was only so recently as in one of the sittings of the Committee the reappointment of which is proposed to-night, that I found the right hon. Member for Halifax sharply cross-examining one of the witnesses who had expressed what I believe to be a legitimate opinion, that the over-issue of notes convertible at par was impossible, with the returns in his hand of this excess of issues to the amount of £1,500,000. But

it turns out that the excess of the issues of these joint-stock banks was produced by depriving the poor country banks of a considerable portion of their circulation, and by supplanting the circulation, not only of the country notes, but even of the branches of the Bank of England itself, to no inconsiderable amount; so that, in fact, the aggregate bank-note circulation of the whole country, notwithstanding the increase of the circulation of the joint-stock bank-notes, was actually diminished in that year. Who, then, with such evidence, can for a moment adhere to the theory which, to my great surprise, the Chancellor of the Exchequer seems entirely to have cast to the winds to-night, but which is in fact the foundation of the very law which he has recommended his Sovereign to suspend, and to inquire into which he wishes us to reappoint this Committee? If more evidence were necessary—and it is best rather to risk being tedious than to be wanting in illustrations—what occurred with all these joint-stock banks is to my mind an absolute demonstration of the fallacy which has ascribed to the limited circulation of bank-notes convertible at par this immense influence on the vast transactions of European commerce. A joint-stock bank fails—say, for £1,500,000—it is a bank of issue—one of them, the Northern and Central Joint Stock Bank, did fail in 1837 for £1,500,000, and its issues were £30,000. But it was the £30,000 that produced that commercial convulsion, and not the advances—the improvident and injudicious and unprincipled advances to the amount of £1,500,000! What has happened at the present day? Look at the great joint-stock banks that have failed in Scotland and England; the majority of them were not banks of issue at all. One or two of them which have suspended with liabilities of millions have issues, but to an amount which, in comparison, is contemptible. I cannot for a moment suppose that any hon. Gentleman can think that the circulation of these banks has produced any effect upon the commercial transactions of the five portentous years to which I have been drawing the attention of the Committee. There is another illustration on which I will not dwell, though it is a strong one, because it refers to the Scotch banks. I am not grudging the Chancellor of the Exchequer any inquiry into the Scotch banks and the Act of 1845 if he desires it. If you will look into the circulation of those banks you will find a most extraordinary illustration of the principle which I have been so long and in so many forms attempting to enforce. Since the year 1826 there is no country in the world in which there has been such an increase of what are called banking facilities—such an employment of banking capital, and such an extension of banking credit, as in Scotland. But the joint-stock bank-notes in the hands of the public have, I believe, diminished every year. I doubt whether they are so large in amount at this moment as they were in 1826, when this great development of banking facilities began to take place. I have shown you that both as regards the note circulation of the country banks in 1825, and the circulation of the joint-stock banks in 1837, nothing can be more futile than the position that the commercial disasters of either of those years is to be attributed to an over-issue of notes. Let us come now to the year 1847, when the only victim left to whom the calamities could be ascribed was the Bank of England itself, and the only cause which could be alleged for the vast misfortunes which befell us, was the management by the Bank of its bank-note circulation. It is a most curious thing—and it entirely proves, I think, that the Directors of the Bank have no controlling power over the circulation of their notes—that in 1847, when there was a withdrawal of bullion at the beginning of the year to the amount of £7,000,000, the bank-notes in the hands of the public remained at exactly the same amount. Later in the year, when the crash actually occurred, and when the law was suspended, there still remained in the hands of the public—how locked up or how hoarded is another point, but still issued—the same amount of bank-notes. And yet you inveigh against the over-issue of notes and the power of the Bank and the Bank Directors to force a circulation of those notes. Let me remind the House of all that has occurred during the ten years that have elapsed since the last convulsion of 1847, in respect to the commercial circumstances of the country. In ten years you have doubled your exports and your imports, and in ten years you have not added one single note to your

bank-note circulation. The whole bank-note circulation of England in 1846-7 was—I am speaking from memory—£40,000,000; in 1855, which is the last return I have seen, though I am informed that facts have since occurred to strengthen my argument, it was £39,000,000. All this proves that bank-notes are in a certain sense a form of credit that is really falling into disuse. The truth is, that from various circumstances—our improved means of communication, the penny post, the telegraph, and a thousand other circumstances—we require less of this kind of circulation than we did ten years ago. Now, Sir, I hope the House will believe that with the views which I have expressed I approach the consideration of the Act which has been suspended illegally by the Government without any prejudice. I never could suppose that the disturbance of the capital and credit of a country like England could be at all occasioned or prevented by any legislative arrangement for the circulation of the, after all, very limited amount of the notes of the Bank of England. But it is impossible, in my mind to resist the conviction that the Act of 1844—which, after all, is an Act only regulating the circulation and the issue of bank-notes—is an Act drawn up in deference to those fallacious principles respecting issues which have so long and so fatally prevailed in this country, that all the arrangements of that Act are framed in deference to those mistaken views, and that in consequence of that deference they have exercised an aggravating influence upon commercial distress when it has arisen. That I believe to be the case. The great objection, in my mind, to that Act is that it paralyzes circulation. Circulation, which should at all times be active, and especially active at a moment of commercial alarm, becomes stagnant at the very instant that this alarm occurs. That Act applies to all circumstances, however different, exactly the same treatment. Whether you are dealing with a foreign drain occasioned by an unfavourable exchange, or a domestic drain occasioned by panic, the action of the Bank Act is exactly the same. While in one instance it is perfectly competent to control the foreign inconvenience, the very moment there is a domestic alarm, the Bank, instead of encouraging the public, announces that it also is subject to terror, and it increases the action of the very panic which it ought to allay. Now, Sir, at the bottom of all this, as it appears to me, is the misapprehension that existed in the framers of that Act as to the principle which regulates the issue of bank-notes. They assumed as a truth what I think can be proved to be an error—that it was possible for any issuer of notes to force a circulation; but if the principles which I have attempted to recommend to the consideration of the House are founded in truth, we need no longer argue as to whom a discretionary power is to be intrusted in the issue of bank-notes convertible at par, because it is impossible that such a discretion could ever be used. That is the point to which the House must direct its attention. The right hon. Gentleman opposite, anticipating from me, perhaps, different observations from those which I have made, taunted me, either with proposing nothing, or as being about to make a statement which could not be supported by argument or maintained by fact; but I think that I have taken upon this occasion the Parliamentary course, the legitimate course, and, I will add, a very moderate and proper course. As for legislating before Christmas on a subject of this kind, it is quite absurd to suppose that even a Ministry could embark in such an undertaking; but I ask the House to come to-night to this conclusion, that though we are not in favour of precipitate legislation at a moment when every one knows perfectly well that it is impossible to legislate, yet that the materials for legislation are in our possession, and that in due season and with due deliberation we will address ourselves to the solution of this great public difficulty. Now, I will say one word with respect to the conduct of the Bank of England. I understand—and the Chancellor of the Exchequer told us in his last speech but one with some pride—that all the Directors of the Bank of England are in favour of the Act of 1844. Far be it from me, Sir, to speak in any other spirit of the Bank Directors than that of the sincere respect to which I think they are entitled. I think it a very great thing for a country like England and for a city like London that a body of men of such intelligence and public spirit can be found competent to take the management of a great national institution like the Bank of England, and conduct themselves, as especially of late

they have done, with so much firmness and, I will add, with so much liberality. But when there is an attempt to influence public opinion and the conduct of this House by appealing to the great authority of the Bank Directors, I am sure that they will permit me to advert to some circumstances—not in a hostile, but in a truly friendly spirit—which I think ought to be brought before the recollection of the House, in order, not to deprive the Bank Directors of the due influence of their judgment upon our debates, but that that influence should be tested and be placed before the House, not in an exaggerated light, but rather in those more subdued colours and calmer tone to which I think it is entitled. I assume that everybody has read the evidence taken before the Committee on the Bank Charter last Session; but there is a second volume, which it is quite possible that they may not have perused, although it is really the most entertaining volume of the two. It bears the somewhat repulsive title of "Appendix," and it has been published very lately; it is like some of those bank-notes which were hoarded and kept back, for it was not brought into circulation until a very critical period. That interesting volume contains the opinions of the Bank Directors in the year 1856 upon the Bank Charter Act — about the time, I suppose, that the Committee first began to sit. The Chancellor of the Exchequer, wishing to obtain the best information from the highest quarter, addressed a circular to the Governor of the Bank, stating that he should be very obliged if each Director would favour him with his opinion upon the Bank Charter Act. I have not the volume with me, as I thought I would not weary the House by quoting from blue-books; but I perfectly remember the cream of the communications with which the Directors favoured the right hon. Gentleman, and if I make any slight mistake in referring to them I am sure that the most charitable construction will be put upon my motives. There is no doubt that the Directors of the Bank of England—at least, all who answered, and the vast majority of them did answer, the appeal of the Chancellor of the Exchequer—expressed themselves in favour of the Act. Our old friend Mr. Masterman, who was in favour of a relaxing power, and I believe Mr. Horsley Palmer, were the only exceptions. As a body, undoubtedly, they were in favour of the Act. But the Directors as a body were not contented with giving in their adhesion to the Act—they entered into a great many critical observations, and, strange to say, they all became prophets. They lifted up their voices and said that no doubt the Bank Charter Act was suspended in 1847, which was certainly a very awkward epoch in its history, and a rather troublesome fact to swallow undiluted; still they united in one common panegyric of the Act, because they declared that it was totally impossible that events like those of 1847 could ever occur again—a very simple, satisfactory, and all-convincing reason. The hon. Gentleman the Member for Southampton (Mr. Weguelin), late Governor of the Bank, my friend Mr. Hubbard, whom I knew as the Governor of the Bank, and who, I am proud to say, is a gentleman of Buckinghamshire, and all the high authorities, were agreed upon this point. "The fact is," they said, "the rules of banking are now understood. In 1847 we did not understand our business, but we understand it so completely now that you may dismiss that year from your memory as a hideous dream; let 1847 no longer disturb the slumbers or awake the inquiries of the Chancellor of the Exchequer; those times can never come again; we now know the true principles of banking, and you may be perfectly easy and may go down to Parliament and propose a Committee of inquiry to amuse Members and the nation, and rest with confidence on the Act of 1844." It is a remarkable thing—and the Chancellor of the Exchequer certainly owes an explanation to the Bank Directors for his conduct in that respect—that the right hon. Gentleman should have circulated all those prophecies in this blue-book, and that after another suspension of the Act in this present year. He may say, perhaps, that the book was printed, that it was a folio, that great expense had been incurred in producing it, and the like; but I really think, even if the Members of the Government had subscribed among themselves to defray the cost, that they should have suppressed that volume; and, whatever excuse may be given, I shall always think that there was a certain degree of malignant candour on the part of the Chancellor of the Exchequer and those with whom he consulted in having thus

publicly pilloried at such a moment his old friends the Bank Directors. For myself, I can only say, that nothing in the world could have induced me to have referred to the circumstances but an overwhelming sense of public duty when I found the opinion of those gentlemen brought forward with such weight as conclusive in favour of the Act. It was with the utmost satisfaction that among those letters from the Bank Directors I did not remark the signature of one who is a Member of this House, and of whose friendship I am proud, of one who on this subject has addressed the House before with that effect which a thorough knowledge of the subject and natural eloquence will always command. I believe that my hon. Friend the Member for Huntingdon (Mr. Thomas Baring) was at the time to which I refer at the baths of Kissingen, where, for his own sake and for that of the country, I trust he reaped the utmost benefit. If I may be permitted, in closing these observations respecting the Bank, to make one remark of a more serious character—as I hope that the proposed Committee on the Act of 1844 will receive its death-blow from this debate—I will express my opinion that there are three great conclusions with regard to the management of the Bank satisfactorily established by the evidence which we have before us. I think it is by that evidence conclusively shown, in the first place, that the Directors of the Bank of England really exercise no more control over the circulation of their notes than the hon. Members of this House do; and I believe that what is called the management of the circulation of notes by the Bank Directors is a misnomer and a delusion. Secondly, we have established that the Directors of the Bank of England have a great duty to perform to the nation as well as to themselves, and that is by the policy which they extend to the management of their securities—a subject of infinitely more importance than the circulation of bank-notes, and in the wise management of which the wealth of the nation is indeed deeply concerned. It is in the regulation of their rate of discount, it is in the discrimination and discretion with which advances are made by the Directors of the Bank, that a beneficial influence may indeed be exercised over the fortunes of this country. And, thirdly, it does appear that it has become a great national object, which statesmen ought to insist on accomplishing, that there shall be in the Bank of England a great treasure at the command of the Directors, by which, when moments of emergency arise like those which have recently occurred, it shall be in their power so far to assist distressed commerce, not by advancing capital, but by ensuring, by the possession of that treasure, that there shall be a currency — an active circulating medium—which shall be the medium of exchange where real capital is concerned, and that those interested in the pursuits of commerce shall not find themselves in the desolate position in which some persons of undoubted capacity and resources have been recently found. Now, I have endeavoured to-night to draw this subject out of the limited sphere of Select Committees of inquiry. I am convinced myself that we shall be taking a step injurious to the community and injurious to the character of this House, if we evade any longer the attempt to arrive at a statesman-like settlement of this question. Sir, in my mind the functions of a Committee of inquiry with regard to this subject are entirely exhausted and fulfilled. No one can esteem higher than I do the labours of Select Committees of this House. I look on the Parliamentary literature of England as one of the proudest products of the national mind. There is a mass of information, there is a power of research, there is an exposition of argument on all questions that have deeply engaged the public attention, which no other country can produce, or for one moment attempt to rival. Sir, the question of the circulation was one of a nature so abstruse, that it demanded that species of investigation which a Select Committee of Parliament can alone extend to a subject; because we must remember that our Committees of inquiry have two characters. They not only pursue research, but they exercise criticism. They not only accumulate information, but extend to the witnesses that cross-examination which cannot be exercised in this House. It is, therefore, of the utmost importance, when there is a great question of public interest of an abstruse and complicated character, dealing with vast details, and yet requiring the ascertainment of profound principles, that that subject should not only be subjected to the investigation of a Committee of this House, but that the investigation

should be prolonged for a considerable period. I think the subject of the issue of bank-notes by the Bank of England has received that sufficient and ample investigation which it required and deserved. I am not supposing that upon such a question as the principles which should regulate issue, this House can immediately come to a unanimous opinion, or that any opinion can be carried here on that subject by any large majority; but the way that we shall come some day to an overwhelming opinion, if not to an unanimous one, on this subject is by discussions in Parliament, for which the question is now ripe. The labours of a Committee of inquiry, however invaluable they may be, exercise no influence, generally speaking, out of doors. The subjects are so vast, the number of questions asked so immense, the variety of detail so great, the conflicting statements so striking, the authorities so weighty and so balanced, that it requires men who have leisure at command, and not only leisure but penetrating minds, to arrive at any conclusion which can attempt to guide public opinion. But the labours of Parliamentary Committees, though they exercise little influence out of doors, exercise immense influence in this House. In those volumes when they are digested, we find materials for thought which form our opinions, and it is when the mind of Parliament is in that state that the discussion of public questions here discovers, asserts, and vindicates the truth, and that, through our conclusions, acts on opinions out of doors. And, in my mind, we shall be taking a course which will tend not to depreciate bank-notes, but the character of Parliament, if year after year, crisis after crisis, and convulsion after convulsion, it turn out that all that the House of Commons can do is to refer this question again to a Select Committee. I was surprised to hear that one of the most eminent men in this country — one whom I greatly respect, as I ever respect intellectual power — Lord Overstone, has declared that, in his opinion, the discussion of this subject is inconvenient and injurious; that Parliamentary debate upon it should not be encouraged, but, on the contrary, should be prevented; and that we should rest on the conclusions that we have before us in the Reports of our Committees. Sir, I am surprised that a man so eminent, so capable of maintaining his opinions by his pen and by his tongue—a man who, besides, is a Peer of Parliament, should give such an opinion upon the proudest privilege of Englishmen, and one, as I believe, the beneficial exercise of which cannot be overestimated or exaggerated. No, Sir, I hope the time has arrived when we shall come to some safe and satisfactory solution of this long-vexed question. But I am sure, whatever may be the consequences of this Amendment, I am only acting rightly when I recommend the House to delegate their functions no longer to Select Committees, but to show to the country that sent them here that they are equal to the fulfilment of a great public duty.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, no further inquiry is necessary into the operation of the Bank Act of 1844 (7 and 8 Vic. c. 32)," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. CARDWELL; Upon this dry subject at this late hour, and as I know the House is desirous of closing this discussion to-night, I certainly have no intention of trespassing at any great length upon its attention, and the more especially as the vote which I intend to give is a vote in favour of that inquiry which has been asked by the Chancellor of the Exchequer, for I think many of the difficulties of this subject can be more conveniently discussed in a Committee than in a debate in this House. Two matters have been brought before us. One is the proper mode of dealing with a commercial difficulty of great magnitude. Of that part we have already disposed without controversy, by giving our unanimous concurrence to a Bill of Indemnity, and to-night we have been told by the Chancellor of the Exchequer that the circulation of the Bank of England has returned within its ordinary limits, the amount of bullion now exceeding £8,000,000, and the reserve £4,000,000. The question, then, that remains is this —Ought we, or ought we not, to appoint a Committee of inquiry? Now, how stands the case? In the first place, a Committee of inquiry into this subject was unanimously appointed in the last

Session of Parliament; that Committee closed its deliberations by recommending its own reappointment. It is true, and an important feature in the case, that a large part of the inquiry has been exhausted, as far as the taking of evidence was concerned—namely, that part of the inquiry which relates to the Bank of England; but they have made no Report to the House, and we are without their statement of the results of their investigation. But what has happened in the interval which should render us less desirous of continuing that inquiry? That Committee was going to inquire into the issues of the country banks and into the question of the issue of the Scotch and Irish banks. It was also going to inquire into the interesting subject of the relations between the Bank of England and the Government; and has anything occurred to render that inquiry less desirable? There has occurred a series of commercial circumstances which is not less interesting or less deserving to be considered and to be communicated to this House in the shape of a Report of that Committee than any previous series of events in the history of commercial disaster. What have we just heard? A most ingenious and elaborate speech, the ingenuity of which I confess in some instances transcends my humble powers to follow, but a speech which raises a number of points which I am sure this House will be unable to decide without the previous assistance of many laborious Committees. We have been told that the troubles from which we are now suffering are to be traced in a great measure to the results of the influx of gold from California; that they are connected with the great expenditure which has been going on in railways and public buildings in France; that they have some connection with the Credit Mobilier, and are not entirely unconnected with three bad harvests in France. It may be so; but if these are the circumstances which have aggravated the edge of commercial pressure in England rather than in France, I submit they do need investigation by a Committee to substantiate and make those points clear before we are prepared to legislate upon them as to the currency. Then we have been told that the doctrine of the Bullion Committee, which was in some respects sound and beneficial, had, upon the other hand, laid a foundation of error which we have followed up in our currency legislation for the last half-century. I submit that if the labours of Horner, Huskisson, and others are to be overthrown by a decision of Parliament, it will be after further investigation by other Committees, and that we are not at once prepared to legislate in that direction. I submit to the House that if in the last Session the right hon. Gentleman who has just sat down gave the great weight of his authority and the great advantage of his abilities to the deliberations of the Committee which closed its labours for a time by recommending their own reappointment, both that which has happened and that which has been said in the interval add strength to that recommendation. What has been the main cause of the calamities from which we have suffered? One thing is admitted, that there is nothing in the causes or the circumstances of these calamities which tends to throw discredit upon the system of currency legislation now prevailing in this country. We have seen greater suffering in Hamburg with a metallic currency than there has been in England. And what is the country from which all these evils originally sprang—*Quo fonte derivata clades?*—a country which enjoys a mode of circulation which has just been so eloquently recommended to us—a convertible but unlimited currency, which is incapable of mismanagement. We find the result is, as has been justly said, mainly owing to new circumstances in regard to the use of commercial capital, and the use, and, if you will, the abuse, of commercial credit. We have seen grow up within the last ten years so vast an instrument for the diffusion of commercial capital and such a creation of commercial credit as constitutes a new feature in our social system since the date of the last crisis in 1847. I allude to those extraordinary amounts of money which are now held in single hands upon deposit. Those sums were formerly inactive, intended only for the most ordinary and tranquil operations, and constituting, when collected together, sums which first acquired commercial activity in the hands of the banker who used them; but now you have large amounts of deposits which have an active character in the hands of the depositors themselves. When things

go wrong, and when there comes an advantageous opportunity of making large investments of these sums in depreciated securities, then there is an enormous amount of obligations only to be liquidated in money all requiring to be paid at the same time, and that is a feature which any currency, whether the metallic currency of Hamburg, or the limited convertibility of England, or the convertible unlimited currency which we are now told is incapable of mismanagement, will find it difficult to sustain. Three charges, if I mistake not, have been brought in the course of this debate against the Act of 1844. The first charge was brought by my hon. Friend the Member for Kendal (Mr. Glyn), who says that the Act of 1844 creates a limit, that the existence of that limit creates panic, that panic creates commercial disaster, and that therefore the Act of 1844 is the cause of commercial disaster. The second charge is that brought by the right hon. Gentlemen the Member for the county of Buckingham (Mr. Disraeli). In adopting what was the opinion of the Lords' Committee, but not the opinion of the Committee of this House in 1848, he charges upon the Act of 1844 that it exposes the country to this inconvenience—that it lays down one fixed rule with regard to two sets of circumstances of opposite characters and requiring different modes of treatment—namely, a foreign drain and a domestic drain of gold. The third charge is, that it imposes a useless restriction and fetter on commerce, inasmuch as it is impossible, under a system by which notes are convertible on demand, that the issue of those notes should be mismanaged. Now, what has been the case with regard to the first of these charges—namely, that the Act of 1844 has created a limit which has eventually created a commercial disaster? I take the liberty of submitting to the House that the limit is not owing to the Act of 1844. In the year 1826, when the bullion in the Bank of England barely exceeded £1,000,000, there was a limit that created a very serious panic, and that was attended with very serious disaster. I contend that in the years 1837 and 1839, in one of which the bullion was allowed to go below £4,000,000, and in the other, notwithstanding exceptional aid from the Bank of France to the extent of £2,000,000, the bullion positively fell to £2,400,000, there was, indeed, a limit which affrighted all those who were interested in the well-being and reputation of this country. Well, what is the effect of the Act of 1844? It compels the Bank Directors to take measures at an earlier period than they were formerly accustomed to do, while there is yet bullion in the coffers, against a foreign drain. If there be mismanagement, as I believe the Bank Directors will themselves be the first to tell you was the case in 1847—or if events happen the responsibility for which we are all agreed does not attach to them, as in 1857—if in either of these cases you approach the limit which has been created by the Act of 1844, what is the consequence? That, there being that which is really the great security at all times of commercial danger and disaster—namely, an adequate supply of bullion in the Bank—it is then in the power of the Government of the day to relieve the country from its difficulties, and to set loose the fettered wheels of commerce. But if that alarm-bell had not been rung by the Act of 1844—if the foreign drain had gone on as in 1826, 1836, and 1839, what then would have been the use of an application to the Government? Powerless would have been the Minister, and useless would have been an appeal to the Government, unless that were done which the assailants of this Act tell us they will be the last to do—namely, to subject this country to the degradation of a suspension of cash payments. But unless that be done all the power that the Government possess could not give relief to the country. I say, therefore, in answer to my hon. Friend the Member for Kendal (Mr. Glyn), I admit that panic was the cause of the disaster, and that the limit created that panic, but if you tell me that it is the Act of 1844 that created the limit, I say that there is another limit which in every other period of commercial disaster before that Act was passed had been suffered to be reached, and the consequences of which were of a far more formidable character than those of the limit imposed by the Act. The right hon. Gentleman the Member for Buckinghamshire, following, as he said, the Report of the Committee of the Lords, charges upon this Act that it exposes us to this inconvenience—that it compels us to adopt the same remedy for two states of things which require very different treatment, namely, for a foreign and for a domestic

Mr. Cardwell

drain. From the right hon. Gentleman I appeal to my right hon. Friend who sits near him (Mr. Henley), who so ably presided over the Board of Trade when the right hon. Gentleman was in office. What did the right hon. Gentleman tell us the other evening? He told us that there was no instance of a great foreign drain in this country that had not been accompanied by domestic discredit also. He might have gone further. Now that we have curbed the issues of the local banks, now that we have put an end to the issuing of small descriptions of paper, my right hon. Friend might have said, there is no conceivable cause in the present state of our social arrangements which can be expected to occasion any serious domestic drain, except an alarm supervening upon a foreign drain. Well, but if that is the case, how is the Act of Parliament to prescribe preventives against two totally different dangers? An Act of Parliament can only prescribe one course of conduct. This Act of Parliament prescribes against that which is a real danger. It has compelled the Bank Directors to control that foreign drain, and to take care that they shall have an adequate amount of bullion in their coffers. And as soon as it is known to the public that the foreign drain has ceased, that there is an adequate amount of bullion in the coffers of the Bank, and that the Bank and the Government are in unison and pursuing the same policy upon the subject, then, as a matter of course, the alarm is at an end, and the domestic drain ceases. Therefore it is that the same answer which I made to the former objection I now make to this objection, that it is by the enactment with regard to the reserve in the hands of the Bank Directors that the Act of 1844 enables you to control a foreign drain, and to get rid of that which is the origin of a domestic drain. Then we come to the third charge against the Act, namely, that it is a useless, and therefore objectionable fetter. The right hon. Gentleman the Member for Buckinghamshire has boldly stated this evening that a convertible and unlimited currency is incapable of mismanagement. He has made that statement in a British House of Commons assembled in unusual Session for the purpose of repairing the mischief brought upon them by a universal suspension of cash payments on the part of all the banks in the United States of America, which have a convertible but unlimited currency. Now, will the House indulge me—I shall keep faith with them with regard to the time that I shall occupy their attention—because I do not think that this part of the case ought to be left entirely unnoticed? We have been told to-night that Mr. Horner and Mr. Huskisson, as authorities on this subject, are obsolete. New canons are to be established: but let us examine upon what ground. I will refer to history. While Mr. Pitt's restriction was in force, we had not in this country a convertible currency. I will therefore ask you to refer to the last commercial crisis that occurred before the passing of that Act, namely, to the crisis of 1793, and also to any commercial crisis which occurred between 1819 and 1844; that is, to every crisis which occurred after our currency had again become convertible, and before it ceased to be unlimited. May I ask you, then, to consider what was the state of this country in the great crisis which occurred just before the Bank Restriction Act was passed? What was the state of the case in 1793? This is an extract from Mr. M'Culloch, quoted by him from Macpherson and Chalmers, the historians of that time:—

"The great object of a large class of traders was to obtain discounts, and the bankers of an inferior description were equally anxious to accommodate them. The catastrophe which followed was such as might easily have been foreseen. The currency having become redundant, the exchanges took an unfavourable turn in the early part of 1792, and the Bank of England having been in consequence obliged to narrow her issues, a most violent revulsion took place in the latter part of 1792 and the beginning of 1793. When this revulsion began there were, it is supposed, about 350 country banks in England and Wales, of which about 100 were compelled to stop payment, and upwards of 50 were totally destroyed, producing by their fall an extent of misery and bankruptcy that had until then been unknown in England."

Well, then, what happened in the year 1826 after our currency had again become convertible? We have been told that unjust blame was thrown upon the country bankers in that year. The opinion of Lord Liverpool was this:—

"Speculations in trade had been the origin of the evil, but it would not have been so extensive if it had not been for the state of the currency. Between 1824 and 1826 this species of circulation (country issue) had been actually doubled. This was a most material fact, and proved the continuance of the increased issues of the country banks after the Bank of England had contracted its issue to a very considerable amount."

Lord Liverpool estimated the increase in the country issues at £4,000,000; Mr. Tooke at nearly double that amount. The right hon. Gentleman the Member for Buckinghamshire alluded with great respect (in which no one shares more cordially than I do) to an opinion which my hon. Friend the then Member for Huntingdon expressed in 1848. Although I do not agree in that opinion, yet I admit that the speech which he made before the Committee on this subject, if it had been reported, would have been an enduring memorial of his great ability and knowledge. May I read to the House what the head of the firm of Baring stated with regard to the cause of the catastrophe of 1826? Lord Ashburton (then Mr. Baring) said:—

"He had no hesitation in attributing the distress of the country to the extent to which the paper circulation had been pushed about eighteen months ago, and for which the country banks, and, he was sorry to say, the Bank of England, were answerable. The Bank of England, by the facilities which they afforded, had been the authors of that dangerous redundancy of money that gave rise to the wild speculations which abounded in every part of the country. It seemed as if Bedlam had broken loose on the Royal Exchange. The same frantic spirit overran the country. The bankers in London and their agents in the country, and the customers of both, were actuated by the same universal desire to put out their money in whatever way they could. Then all on a sudden the very reverse of this system came into practice. A panic seized the public. Men would not part with their money on any terms. Men of undoubted wealth and real capital were seen walking about the streets of London, not knowing whether they should be able to meet their engagements next day. The over-issue by the country banks was the main cause by which the distress had been widely spread."

Now this is exactly the language which the opponents of the Act of 1844 are fond of applying to the operation of that Act. Observe that in 1826, when the currency was convertible, but unlimited, men of undoubted wealth and capital did not know where they should obtain the money with which they were to meet their engagements. Nothing can be more interesting than to see how well Ireland has weathered the gale of the present year; but what was the state of things in Ireland in the year 1826? Let me inform the House in the words of a distinguished native of that country, Sir H. Parnell, who says:—

"With the exception of a few that withdrew from business, and of four banks in Dublin, three in Belfast, and one in Mallow, the whole failed, one after the other, involving the country in immense distress."

Sir Robert Peel, having quoted that passage, observes,—

"I was in the west of Ireland on the occasion, and I could hardly conceive such desolation and misery as was caused by the failure of these banks."

Well, but what was the position of affairs in the years 1837 and 1839? The right hon. Gentleman who has just spoken—I regret to be obliged to allude to his speech in his absence—took my right hon. Friend the First Lord of the Admiralty severely to task because he cross-examined one of the witnesses who had spoken about the circulation at that period, and quoted figures which no doubt are correct, but which would appear to lead to a result completely different from that which was established by figures laid before the Committee by no less an authority than Mr. Norman. Those figures show that during the period just anterior to the great pressure of 1837 and 1839—namely, from April, 1834, to April, 1836—there had been an increase of notes to the amount of £1,800,000, and a decrease of bullion to the extent of £900,000, while during the severest period of the drain in 1837 and 1839 the circulation had increased to nearly £3,000,000. That is convertible and unlimited currency, incapable of being mismanaged. You may argue in favour of the theory as you like, and still it will require the investigation of Committees, and of many Committees too, before you can establish the practical justice of that doctrine. How, I would ask, can it be possible to charge the Act of 1844 with the aggravation of commercial disaster when your commercial disasters—the result of the failure of a number of banks—were far more terrible before the passing of that measure than has ever since been the case? I shall, with the permission of the House, cite one other instance, namely, that of America. Between the years 1811 and 1820 about 195 banks became bankrupt in different parts of the American Union, and it is stated in a report drawn up by the Secretary to the Treasury in that country, and which bears date the 12th of May, 1820, that those failures, which for the greater part took place in the year 1819, had produced a state of distress so general and so severe as to be almost unparalleled. These are, how-

ever, by no means the worst instances of the failures which have taken place in America. Let me for a moment call the attention of the House to the details of the over-issue of paper money in the United States, and the consequences to which it has led. The amount of the note circulation in that country in the year 1830 was 66,628,000 dollars. Well, it increased before 1837 to 149,000,000 dollars; considerably more than double its amount in the former year, and what was the result? Why, that in 1837 every bank in the Union without a single exception was compelled to stop payment. In the year 1838 those banks which had been the best managed and had the largest amount of capital resumed payments in specie, but towards the close of that year and in 1839 a further crash took place, and the bank-notes afloat, which in 1837 had amounted to 149,000,000 dollars, became 83,734,000 dollars in 1842, and 58,563,000 in 1843, thus proving the injurious effects of the over-issue of paper money in 1837. Such, if the voice of history be heard, is the experience of convertible unlimited paper, both in this country, and in America. But then comes the question—why should we not leave a discretion in a matter such as this to the Directors of the Bank of England? I, for one, am disposed to place the utmost confidence in their prudence, but I think it is right that before we impose upon them the exercise of a discretion in relation to a question so critical as the issue of paper money, and in connection with which the smallest mistake would be calculated to prove so fatal to the interests of the country, we should ask them whether they desired to be intrusted with this power; and if their reply should be that in their opinion it is a power which it would be dangerous to intrust to their keeping, will there not, then, be a good reason why we should so far show the confidence we have in their discretion as to abstain from forcing upon them this dangerous responsibility? Now, we have been told that the Directors of the Bank of England are almost unanimous in their support of the Act of 1844. The oldest and certainly not the least influential member of that body, Mr. Norman, says:—

"I consider it is impossible to know until a drain has passed away the extent to which it will go, and it is very difficult while the drain is proceeding to ascertain all its causes. These are seldom simple, and involve a multitude of conflicting considerations. In fact, no human sagacity or experience is equal to the solution of such a question."

He then goes on to recommend you not to abandon that law which, going over the history of the past, has, he tells you, been your guarantee against disasters such as those which in 1826, 1837, and 1839, produced the most lamentable consequences. The right hon. Gentleman who spoke last laid down towards the close of his speech three canons—if I may so call them—which he considers to have been conclusively established—namely, that the Bank cannot control its issue; that its Directors should be made duly responsible for the advance of their capital; and that they should always keep on hand a large reserve. Now, we are debating as to whether or not we should have a Committee of inquiry, and I should humbly ask the right hon. Gentleman whether the question, how it is possible for the Bank to be responsible for the advance of its capital, if it is allowed no control over its issue, is not worthy of a more searching inquiry than any which it has yet received? When the Bank advances bank-notes it is, in point of fact, advancing capital for the relief and the advantage of trade, as was signally proved to be the case within the last month. With respect to its maintaining a large reserve in its coffers, the action of the Bank is this:—to control the export of bullion by contracting its issues. This is done under the operation of the Act of 1844, and upon that measure the right hon. Gentleman appears to me to have cast a blame to which it is not fairly liable. I believe that public opinion does not concur in the view which the right hon. Gentleman has taken, but that it desires to see engrafted upon the provisions of the Act of 1844 other provisions framed in the spirit of progress, and not upon the principle of that convertible and unlimited currency which, in 1826, 1837, and 1839, was found to be compatible with so large an amount of commercial disaster. Let me beg of you to reflect before you adopt that principle. First, consider for a moment the difficulties with which the Act of 1844 has had to grapple. Within the last few years you have had a foreign war; you have had a foreign loan; you have had an almost unexampled drain of bullion from commercial causes; you have witnessed convulsive efforts upon

the part of the Bank of France to supply itself with bullion; you have had an increase of your import and export trade so great, that if the most sanguine free-trader had ten years ago ventured to predict anything like it he would have been looked upon as an insane enthusiast. Now where, let me ask, has capital been found to meet all these enormous demands? Is it wise upon your part to abolish a system of currency which has been found equal to your great requirements? You will, perhaps, say that it failed you in 1847, and again in the present year. Yes, but it did not break down from any of those causes to which I have just referred, nor from the combination of them all, for in the letter of the Bank Directors to the Treasury, on the 2nd of December, they say, speaking of the state of things which had prevailed in November:—

"The continental drain for gold had ceased, the American demand had become unimportant, and there was at that time little apprehension that the Bank issues would be inadequate to meet the necessities of commerce within the legalised sphere of their circulation."

Then your system of currency had ridden safely through the whole combined pressure of these unexampled demands on your capital. What then occurred? The same authorities add:—

"Upon this state of things, however, supervened the failure of the Western Bank of Scotland and the City of Glasgow Bank, and a renewed discredit in Ireland, causing an increased action upon the English circulation by the abstraction in four weeks of upwards of £2,000,000 of gold to supply the wants of Scotland and Ireland; of which amounts more than £1,000,000 was sent to Scotland, and £280,000 to Ireland, between the 5th and 12th of November."

Is there, then, any reason why we should decline to pursue the recommendation of the Committee of last year, namely, that, having completed the investigation into the Bank of England, we should now proceed to investigate the banks of Scotland and Ireland. You have gone through a great disaster, emanating from a country—let it never be forgotten—that has this convertible currency, every bank of which has suspended payment; and, nevertheless, you are urged by those who are the warmest supporters of a convertible currency, and the most strenuous advocates of cash payments, to part with a system which has weathered the storm in comparative safety, and not even to take the prudent and reasonable precaution of entering into a full and dispassionate examination of the causes of this remarkable crisis before you determine whether you will again enter into the retrograde courses of 1826, of 1837, and 1839, or whether you will not rather endeavour, if you do make any changes, if you do add any stones to the edifice, to secure that they shall be such as will give most complete effect to that policy from the partial adoption of which you have already derived these inestimable benefits.

Mr. GLADSTONE: I can assure my hon. and learned Friend opposite (Mr. Malins, who had risen at the same time) that I will not long stand between him and the opportunity he seeks; but, after having heard the speech of my right hon. Friend who has just sat down, although I had not intended to follow him in debate, I feel that it will be more convenient to the House, at a moment when time presses, that I should now make the few remarks which I have to address to it. Because, whatever may be the sentiments of the right hon. Member for Buckinghamshire after the opinions expressed by my right hon. Friend upon the Act of 1844, my duty is at least a very plain one. It is to thank my right hon. Friend for the able and, as I think, unanswerable statement he has made, to show that we should indeed be taking a retrogressive course if, after thirteen years' experience of the Act of 1844, we were to return to what has been termed a convertible currency, regulated by discretion, and unlimited in amount. Sir, to every word of the speech of my right hon. Friend on that subject, I for one give my hearty assent, and I am so willing to be bound by it that I will not trouble the House with a single remark upon the arguments he has adduced. But upon the application of those arguments I am quite sure that my right hon. Friend will permit me to make an observation. For what is the doctrine he propounds,—not with respect to the currency, on which I think he is pure light and reason, but with respect to the decision which the House is called upon to give to-night? He says that doctrines are now advanced which throw over all that has been established by the labours of Mr. Horner, Mr. Huskisson, and those who followed them, and he adds, it will require the investigation of one Committee, aye, and of many Committees, before we put a negative upon those doctrines. Sir, I agree with my right

hon. Friend, but I invert his proposition, and say it will not require the labours of many Committees, nor even of one Committee, before we stamp those doctrines, in a moment of crisis, with our solemn sanction and assent. It is my right hon. Friend, the advocate of those doctrines, who, as it appears to me, is placing them in jeopardy by inviting us now to go into Committee in order to ascertain whether we are to establish a system of unlimited issues; in order to inquire, not whether we are to go forward to the completion of what we have already done, but whether we are to go backward in ratification of doctrines of which he has himself demonstrated the unsoundness. Therefore, being firmly convinced that the system which prevailed before 1844 was radically vicious and dangerous, I am not willing, without a vote of this House, to admit that it still remains for a consideration before a Committee whether we are to return to that system or not. I say the case is clear, the evidence accumulated; and the speech of my right hon. Friend is itself the strongest testimony I could quote. If, then, we are prepared to go back, let us say so by our vote. That vote if challenged will, I think, result in the establishment of the opposite principle. But at any rate, whatever your conclusion may be, the evidence on this point is accumulated beyond the possibility of leaving room for a further demand; and I frankly, yet most respectfully own, that for the House of Commons to leave it in doubt with the nation, upon what essential and fundamental principles it intends the currency of the country to be based, is a course not worthy of the dignity of the British Parliament, and not answerable to the demands which the people of England have a right to make upon their representatives. But while I strongly entertain this feeling on general grounds, I am bound to admit that there are other and specific grounds which make it plain to me that, unless it can be shown that real doubt hangs over this subject which can be cleared up in a Committee, we ought now to proceed to tell the country distinctly what we think about the Act of 1844; and my main reason for coming to that conclusion is this—I feel satisfied that after what has occurred the Act of 1844 cannot stand as it is. It is, I hold, impossible for it so to stand. That Act, as experience has shown, requires alteration in order to obviate difficulties and dangers which, if we leave them without a remedy, will increase every day, and will beset with peril, as long as they are suffered to continue, the very principles of the Act itself. Upon two occasions we have seen that Act brought into circumstances of the sharpest trial and crisis. I am afraid, judging from the figures of my right hon. Friend the Chancellor of the Exchequer to-night, that we should be too sanguine if we were even now to say that the commercial crisis has passed away; for if I understood him rightly, the reserve of the Bank stands at about £4,500,000. These £4,500,000 include, I believe, £2,000,000 of issues not authorised by law. Therefore the real reserve of the Bank, under the law of the land as it stands, is about £2,500,000. On the 11th of November, that reserve was something like £1,500,000, not quite so much, I think, but not far short of it. [Mr. Malins: Not a million.] I believe it was nearly £1,500,000. We have, therefore, between the 11th of November and the 11th of December an increase of something like £1,000,000 in the reserve of the Bank. So far so good. But what has been happening in the interval with the public revenue; and what has been the increase in the public deposits during that period? If the public deposits during that period have increased by a sum less than £1,000,000, or less than the increase of the reserve, whatever it is, I grant that so far you have reason for congratulation. But if they have increased by a sum equal to the entire increase of your reserve (I now speak of matters of fact, and have no fear of creating ill-founded apprehensions)—if I say, the public deposits have increased by a sum greater than the increment of your reserve, then I cannot say that we have as yet made any very great progress towards a state of ease and security. But, however that may be, we must look to a recurrence of these crises; because it is not in the currency that the root of the evil lies—it is not, I am sorry to say, simply in a foreign drain, in a foreign derangement of trade, or in foreign folly and foreign speculation that the source of the mischief lurks, but much of it springs from the state of the trade of this country. We must look therefore, I repeat, to a return of these crises; and now I have to ask myself, "Have I reason to

be satisfied with the way in which these crises are habitually met?" I say, habitually met, because the two precedents which have occurred, will form an inflexible rule for the third whenever the opportunity occurs. How, then, will the third crisis be met, when it comes? During the interval, what influence upon the discretion of traders will be exercised? Will they fear that if they overrun their means they will have to pay the just and natural penalties of improvidence? Why, Sir, on the contrary, they all know perfectly well that if they can but stand the gale for a certain time there will come a letter—not solicited by the Bank—on the responsibility of Government, signed by the First Lord of the Treasury and the Chancellor of the Exchequer, stating with what regret they have observed the menaced peril to the commerce and labour of the country, and directing that issues be made contrary to the law. Therefore the force of the Act as a preventive check, not with respect to foreign drains, but with respect to commercial overtrading and bad banking, which was diminished in 1847, in 1857 I am afraid is utterly shattered and destroyed. But I do feel that there is force in what has been said by my hon. Friend the Member for Kendall (Mr. Glyn), whose great experience in these matters, as well as his natural ability, give much weight to the judgment which he has delivered in this House. My hon. Friend says that the existence of a limit, as it is determined by the Act of 1844, has a decided and powerful tendency to create an apprehension gradually deepening into panic, which panic increases the commercial pressure, and finally brings about a suspension of the law itself. So that the very rigour of its provisions in certain states of public feeling and of the public mind becomes an operative cause of the irregular relaxation of the law. Unless I am much mistaken, a noble Lord, who I think has conferred great services and benefits upon the country by his publications, and by his spoken opinions on the subject of currency—I mean Lord Overstone—has in another place shown that he is superior to the pedantry of a dogmatist and to the egotism of self-love, and has stated that he thinks the time is come when Parliament and the Government should consider whether there should not be inserted in the Act of 1844 certain elastic provisions calculated to meet peculiar and exceptional circumstances. I have no authority to construe these words, but I think in substance they can have but one meaning, namely, that an opinion has found its way into the mind of Lord Overstone to the effect that it is desirable to endeavour to provide something like the relief, which has been given upon a recent occasion, by means embodied in the law itself, by means having authority of law, and by means which will save you from the great and serious evils that I do not hesitate to say must attend every suspension of a statute of the realm by the authority of the Executive Government. Nor is this the only constitutional point. I feel the pressure of another argument. I hear it said—and I am not able to deny it—that the effect of maintaining certain provisions of law which we know will be relaxed, and which almost all of us think should be relaxed, is to place it in the breast of the Executive Government to determine what houses shall be ruined and what houses shall be saved. Of course, I shall not be understood as meaning here to cast the slightest imputation upon the discretion and much less upon the purity of the Government as exemplified in the recent suspension of the Act. It is not necessary to take into our view any element of the case which would impart one moment's offence to any man; but upon principle, as it is foreign to English habits, ideas, and traditions, as it is a thing fraught with mischief in itself, I do regret that a notion should prevail in the country that such a discretion of determining the ruin of one man and the preservation of another should be vested in the Ministers of the Crown.

"Pudet et hæc opprobria nobis
Et dici potuisse———"

and I will add, *et non potuisse refelli*, for if it be true that this discretion is given, I cannot find the shadow of a justification for it. My right hon. Friend the Chancellor of the Exchequer says that we may go into Committee, and consider whether the Act should be left as it stands, or whether, on the contrary, we should insert in the Act a section empowering the Executive Government, under certain circumstances, to suspend it. I think my right hon. Friend said that as far as commerce is concerned the effect would be exactly the same in the two cases; that the insertion of a clause was

certainly recommended by constitutional arguments, but that, upon the whole, his opinion was against it. It appears to me that neither the one nor the other of these courses would be satisfactory. I think it is the uncertainty of the law itself which is the main evil in the case. I grant you that we get rid of a portion —whether the major or minor portion I shall not stop to inquire—of the evil by inserting that clause in the law. Lord Overstone himself appears to be of opinion that there are means by which in the law itself you might provide for a measure not less effective than the supra-legal—I will not say the illegal—step recently taken by the Government, and we could not have a higher authority upon the subject. There is another point on which I frankly own I have a strong conviction that the Act of 1844 requires to be altered. I do not know whether the alteration would or would not be acceptable to those who wish to innovate in what I presume to call a retrogressive sense, but I think it is one which all who take a practical view of these questions and are acquainted with the commerce of the country ought to desire and promote. The greatest evils have arisen in this country from that confusion which, although it has been repeatedly exposed in this House, prevails in the public mind between the functions of currency and the functions of banking. It is all very well that in an assembly of this kind, where we have the advantage of the counsels of many of the ablest and most enlightened men, these fallacies should be understood and exposed; but what we want to do is to destroy, not a theoretical error, but a practical misunderstanding in the minds of the people and of the commercial community in England. For—and I speak in presence of those who can correct me if I am wrong—this unhappy confusion between the business of issuing money and the business of a banker to afford accommodation to his customers is not a theoretical error, but is a false principle engrained in the practical part of the commercial life of this country, and having a most powerful tendency to bring about the recurrence of these crises. There is a latent idea, I do not say in the minds of all, but in the minds of many, including some of the largest commercial and banking houses in the country—that when the day of difficulty comes it is the business of the Bank of England to provide for it. If you ask them why they think so, they cannot answer you, but they know that for a long series of years, whenever these crises have arisen, in some way or other —either with the law when the law was lax, or against the law when the law was stringent—the Bank of England has made this provision. I do not believe that without carrying onwards the Act of 1844 to the completion of certain of its provisions, you will ever get rid of that most mischievous misapprehension. There again I am fortified by a declaration of Lord Overstone—a declaration which he does not want a Parliamentary Committee to adopt in order to seal his enunciation of it—a declaration to the effect that the time has come when you should distinguish between the functions of issuing money and the functions of banking. Now, Sir, when we go into this Committee, if it be the pleasure of the House to go into it, it is clear we postpone a remedy upon all these points. Why do we postpone them? The Chancellor of the Exchequer has himself made a speech to-night, in which he has given clear and strong opinions upon a variety of topics, and I put it to the fair candour and consideration of the House, we being assembled here rather as men of business than as politicians, whether there is any obscurity hanging about that part of the subject which is connected with the functions of issuing money and the banking business of the Bank of England that ought to prevent the Government from being prepared in February to make a proposal to Parliament. Further, I will venture, first of all, to express my conviction that if the will of the House of Commons be signified in that sense, such proposal will be made, and then to state my strong belief that no period can be conceived when the Government would find circumstances existing of a character more favourable on the part of the public, and I may add, on the part of Parliament, in order to ensure to them that fair and candid attention, favour, and assistance which every Government has a right to expect from Parliament and the country when it is endeavouring to raise and to summon up its vigour for the purpose of introducing or of extending sound principles in British legislation. I do not wish to weary the House, but I must point out that we are evading these questions of issue by the appointment of a Committee. My

right hon. Friend near me (Mr. Cardwell), and I think the Chancellor of the Exchequer, both said:—"Oh, the Committee of last Session took evidence upon this subject, but they made no Report upon the evidence, and you are now going to adopt a course which will prevent them from framing their Report." Why, I apprehend there never was such a case as that a Committee hearing evidence in one Session upon a particular subject which it is admitted they exhausted, should make their Report in the next. The truth is, that so far as the position of the Bank of England is concerned, the nominal Report of the Committee of last year recommending their reappointment was equivalent to a declaration by them that they intended simply to place the evidence in the hands of the House; and I am sure that that sort of indecisive treatment of these questions is the treatment we must expect from a large Parliamentary Committee, without any very great guiding authorities to lead the course of its inquiries and to determine its functions. The Chancellor of the Exchequer has accused me to-night of having shown a want of appreciation of the witnesses examined before the Committee, and my right hon. Friend triumphantly enumerates the names of a Member of this House, of other Bank Directors not Members of this House, and of my Lord Overstone, and shows that they have examined an excellent set of witnesses, and have got a great deal of very good evidence. But that was not my objection to the Committee, and if it were not that my right hon. Friend is remarkable for simplicity and straightforwardness I should have thought he was aware that that was not my objection. What I objected to was not the witness called or the evidence taken, but that upon abstract questions of this kind Committees of this House are necessarily cumbrous instruments for getting at the truth, and that they spend a great deal of valuable time in unnecessary operations for the purpose of extracting in a great many words what my right hon. Friend at the table and other hon. Gentlemen within these walls could perfectly well enunciate in few words. Now, what has this Committee got to do? It has considered the functions of the Bank of England with regard to issue, and its first step will be to consider this over again. It is admitted that it has to consider the whole question of the position of country banks in England. It has to consider the position of Scotch and Irish banks. Then there is the question of the issue of small notes in England—a most important practical question, which entirely changes its aspect and position when you come under a law of limited issue, as compared with a system of private and unlimited issues. That question has hardly yet been touched. There are other questions, such as those relating to the standard of value in this country, the seignory of coinage, and a number of other points which also have hardly yet been touched upon. There is, moreover, the large question of the relations between the Government and the Bank of England, which I presumed the other night to call antiquarian relations—rather irreverently, perhaps, yet, I venture to think, not wholly without reason. One single instance I may adduce to show what I dare say very few hon. Members are aware of—I mean the unexamined state of the relations between the Government and the Bank, and to show that those relations are in a condition in which it is desirable that a new housemaid should be introduced to sweep away the cobwebs. I do not know whether hon. Members are aware that within the last year or two, whenever you have borrowed any sum of money for the exigencies of the public service, you have likewise made a new law that the Bank of England shall continue to be a corporation until the whole of the sum is repaid. Thus, when my right hon. Friend contracted (I think with the Rothschilds) to borrow £16,000,000 of money, he (I mention it not to his blame), following the uniform precedent which has been sent from time to time, and still exists, inserted a clause in the Bill adopted by this House which provided that the Bank should be a perpetual corporation while that loan remained unpaid. What is the meaning of such a provision? It is quite plain that it is an enactment drawn from times when Governments were in bad and banks were in good credit, and when it was a great object of Governments, which used to cheat bankers and rob the tills of traders, to get a body of respectable men to cover the loans they had contracted. Now, I say such a Clause as that in Acts of the present day is antiquarian and superannuated. It is desirable that those who lend money to the people of England

should know that they do so on the credit of the State, and that the credit and the honour of Parliament should not be supplemented by such an assurance to our creditors. Now this is only a specimen of the general condition of the relations existing between the Government and the Bank of England. Mind, I do not impute blame to anybody on this account. I only say it is to the blame of those who, when a good opportunity occurs, do not avail themselves of that opportunity to place these relations on a better footing. Are not these subjects enough for a Committee. Are they not sufficiently grave, sufficiently wide, sufficiently complicated, if they are to go before a Committee at all, to occupy the whole of its attention? But I contend, on the other hand, that they do not now require investigation before a Committee. They are subjects which a Committee may perfectly well investigate in easy times, but which, in times of commercial crises like those through which we are passing, it is the duty of the Government to grasp with a bold hand, making known their views to the country in full confidence that they will receive the support and assistance of Parliament in settling them. It is admitted on all hands that we have a great question to inquire into. We have to inquire into the commercial causes of the crisis and its accompanying distress, which are enough to fill the hands of any Committee; and the whole case is really and simply this,—to overcharge a Committee is to stifle the questions you refer to them; it is not to play fair; it is rather to play false to the country. Is this Committee to inquire into the whole of the laws affecting issue, to examine into the particulars in which the Bank Act of 1844 should or should not be amended? Is it also to inquire into the causes of the panic? I say, let us make those amendments in the Act of 1844, which experience has shown to be necessary to bring its principles fairly to issue. Let us, above all, effect by law that separation of the functions of issue and of banking which will relieve the Bank of England from a false position in regard to the commerce of the country when crises occur; and when we have done that, then, and not till then, we shall be in a condition to approach and to deal with still graver questions. I say "still graver questions," because I confess I think that these matters relating to the law of issue, although complicated and difficult, have advanced to such a state of ripeness through the labours of eminent writers, of Committees of this House, of statesmen and economists, and through the experience of the community, that there is no reason why we should despair of a solution of the difficulty. The other evils, I am afraid, lie very much deeper. I am afraid that the state of our law with regard to limited and unlimited liability, the principles upon which joint-stock banks in particular are carried on, the strange distinction we have established between joint-stock companies and private partnerships to the discredit of the latter, the scarcely less strange distinction set up between joint-stock banking companies and other companies, applying to the one the principle of limited liability and refusing it to the other—all this betrays a confusion and want of settled principle in our enactments which demand careful and patient consideration. I am couvinced it will require the whole power of Government and the whole power of this House thoroughly to search to the bottom that great question—what are the commercial causes of the existing distress, and how far are these causes avoidable and remediable by legislation? If, therefore, we have got that question to face, do not let us confound and perplex ourselves by mixing up the investigation of it with twenty other subjects, which it is perfectly unnecessary to refer to a Committee. Let us settle by legislation and debate in this House that which is now ripe for such a settlement. Let us refer to a well-chosen Committee the investigation of that subject with respect to which it appears investigation will be useful. But to give a Committee nominal powers of investigation, and at the same time to choke and overwhelm it with questions respecting issue and currency, the operation of the Bank Act in England and the Bank Acts of Scotland and Ireland, is, I think, not a dignified, is not an effective, and is hardly a straightforward manner of despatching the business of the country.

Mr. MALINS said, he was desirous of stating shortly why he conceived the Bill of 1844 was founded upon principles false in theory and false in practice, as the experience of 1847 and 1857 most distinctly proved. What was the true

principle with regard to supplying the people with the necessary amount of circulating medium? Every hon. Member must agree that it was the duty of the State to supply such an amount of the circulating medium, be it in sovereigns or be it in notes, as would secure the possibility of carrying on the commercial transactions of the country with ordinary facility. Taking that principle, and referring to general results, an experience of thirty years would show that a certain amount of bank-notes was absolutely necessary for the use of the public. Now, since the Act of 1844 the lowest amount of bank-notes in the hands of the public was in the summer of 1844, when they amounted to £16,942,000, and the highest was in July, 1853, when they reached £23,880,000, so that there was an oscillation within the interval between £16,000,000 and £23,000,000. These, however, were extraordinary instances, for the oscillations in general did not exceed the sum of £3,000,000. Now the lowest amount of notes since the passing of the Act of 1844 in the hands of the public was £18,000,000, and therefore they might fairly de luce from these facts that the public required a circulation which should never be less than £20,000,000. Beyond that it was absolutely necessary that there should be a reserve in the hands of the Bank of England. Experience showed that there must be at least an average of £20,000,000 in the hands of the public in order to enable ordinary commercial transactions to be carried on with ease and satisfaction and £5,000,000 reserve in the Bank. Mr. Chapman, than whom there could be no higher authority in the country upon this subject, had told them that all commercial men carried on their business with anxiety and fear when the reserve got below £4,000,000; and, therefore, he concluded there must be at least the amount of reserve he had mentioned. They, therefore, must secure an issue of £25,000,000 of notes; and the short question was this, did Sir Robert Peel's Bill of 1844 assure to the public an issue of notes to that amount? He contended that facts and figures alike contributed to prove that it had not. The right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) had spoken of the danger of unlimited issue. An unlimited issue was not required. Those who were opposed to the Bill of 1844 did not demand an unlimited issue; but what they did demand was, that the Bank of England should at all times have the power of issuing a sufficient amount of bank-notes to enable the business of the country to be carried on. What was the cause of the disaster of 1847? That the power of issue being reduced to £22,000,000, there was not a sufficient amount of notes to be had to secure the carrying on of commercial transactions And in the present instance the amount had dwindled down so low, even below £21,000,000, that there was scarcely a note to be obtained, and if the letter of the 12th November had not been issued, it was evident that the Bank of England must have stopped payment in forty-eight hours. Such was the effect of Sir Robert Peel's Act. He would only say a few words more in speaking of the vote which he should give that night. He must say that he had considerable doubt about his vote. He saw on the one hand very little prospect of legislation upon the subject at the present moment; but, on the other hand, if from any cause the reserve went below £2,500,000, they must come to a dead lock. He quite concurred with the right hon. Gentleman (Mr. Disraeli) that it was high time to legislate on this great subject, and, therefore, he could not but agree in the Resolution, that it was improper that there should be any further inquiry, because the time for legislation had arrived. On those grounds he came to the conclusion that it was his duty to support the Resolution of his right hon. Friend.

Mr. HORSFALL said, he had listened with great interest to the debate, not only with reference to the Indemnity Bill, but also to the Motion before the House, and he was anxious in a few words to state the reasons why he should vote for the reappointment of the Committee. The Committee had recommended their own reappointment, but what was of more importance was, that since the evidence had been taken before that Committee a crisis had occurred in the commercial affairs of the country unparalleled since 1825. He did not wish to submit this question to a Committee with the view of avoiding the responsibility of dealing with it. He had no prejudice either in favour of or against the Act of 1844. He did not agree with his hon. Friend the Member for North Warwickshire (Mr. Spooner) that that Act ought to be abrogated, and

that there would be no safety for commerce until it was abrogated; but he thought the Act did require some amendment. He believed there were many supporters of the general principle of the Act who still thought that some material alterations and amendments might be made in it, and the views of such persons were, he conceived, justified by the opinions of the late Sir Robert Peel, which had been quoted by the Chancellor of the Exchequer the other evening, and he had been pleased to hear his right hon. Friend the Member for Oxford University (Mr. Gladstone) say he was prepared to agree to some alteration. In that speech Sir Robert Peel said:—

"The Bill of 1844 had a triple object. Its first object was that in which I admit it has failed, namely, to prevent, by early and gradual interference, severe and sudden contraction, and the panic and confusion inseparable from it."

He (Mr. Horsfall) was one of those who thought that the prevention of panic was the most important feature of the Act, and if the Committee on its reappointment could devise any means for preventing the recurrence of these panics, they would effect what Sir Robert Peel regarded as one of the principal objects of the measure, but which experience showed that it had failed to accomplish—they would render a great public benefit. He would not detain the House by referring to the other two objects of Sir Robert Peel's Act. Although he held that the Act of 1844 was susceptible of very material improvement, he was not one of those who held that either the crisis of 1847 or the present crisis arose from that Act. He had never been disposed to make the Act of 1819 the scapegoat of the crises of 1825 and 1837. He believed that if the House adopted the most perfect measure that could be devised, they would still be unable by any Bank Act to prevent the periodical recurrence of these crises. He was of opinion that, although the primary cause of these crises might be the export of the national capital, they arose in every instance from overtrading. The hon. Member for Newry (Mr. Griffith) had suggested the other evening that a law should be enacted with the view of preventing reckless trading, and he (Mr. Horsfall) believed that a measure which rendered parties who engaged in such trading amenable to the laws of their country would be attended with great advantage. The hon. Member for Bury (Mr. Philips), in alluding, a day or two ago, to the letter addressed by the Government to the Bank Directors, said that the effect of that letter had been to revive speculation in produce, and he referred to three articles—wool, cotton, and silk. He (Mr. Horsfall) thought it important that the House should be satisfied that this statement was unfounded. He would beg leave to read a very few lines from the circular of Messrs. Littledale and Co., the well-known brokers, which was published on the 8th of December. With reference to silk, they said,—

"We have not any improvement to report during the past month. In China silks the deliveries still continue to diminish, and stocks to increase. Some few sales have been made at a reduction of 1*s.* 6*d.* per lb. on all previous quotations."

Then, again, as to wool, the circular said,—

"We are unable to report any improvement during the month, nor does the excessive and universal derangement of money matters permit any indication of our future prospects. The London colonial sales commenced on the 12th ultimo, and terminated on the 4th instant. They comprised about 45,000 bales. Throughout the series the biddings were unusually slow and spiritless, and about 15 per cent is estimated to have been withdrawn. A decline of 2*d.* to 4*d.* per lb. on Australian, and 3*d.* to 5*d.* per lb. on Cape wools, is reported."

There was, therefore, no speculation or improvement in either silks or wool. With regard to cotton, Messrs. Littledale said,—

"Cotton declined further after the issue of our last circular, and on the 12th, before the suspension of the Bank Charter Act, middling Orleans was sold at 6¼*d.*, or at a decline of fully 2*d.* per lb. in one week. The suspension of the Bank Act relieved the market for a few days. Holders who had been the most pressing sellers withdrew their cotton; some regularity of prices was again established, and an advance of 1*d.* per lb. from the low sales previously made was obtained. However, the cheerful feeling soon subsided; the hope of a permanent improvement in financial matters gave way to fresh gloom; failures increased, holders of produce had greater difficulty than ever to obtain discounts, prices declined again, and on the 26th of November middling Orleans was sold at 6*d.*"

He thought, therefore, the hon. Gentleman was not quite justified in his condemnation of the effect of the letter which Her Majesty's Government deemed it their duty to issue. He (Mr. Horsfall) considered that the Government were entitled to commendation for having issued that letter, and he spoke from his own personal knowledge when he said

that if it had been delayed for four and twenty hours the consequences would have been most disastrous. As the representative of a commercial community he begged to thank Her Majesty's Government for having issued that letter, and it must be satisfactory to them to know that the measure they had adopted was approved by the noble Member for the City of London (Lord J. Russell), who adopted a similar course in 1847, and if Sir Robert Peel had been living it would undoubtedly have met with the approval of that statesman. He (Mr. Horsfall) might also venture to quote on this subject the opinion of a distinguished man—the late Mr. Huskisson—which could not fail to carry very great weight. That opinion was expressed before the passing of the Act of 1844, and could therefore have no reference to that measure, but merely to the general state of our monetary system. Mr. Huskisson said,—

"It is therefore manifest that, by a possible combination of circumstances, the Bank might be driven to part with its last guinea, not only without having checked the drain, but with the certainty of increasing it in proportion as the amount of their notes was diminished. At such a moment the preservation of the Bank from actual failure, though an important, is but a secondary consideration—that of the country is the first. The possible cases, however, which may call for such an intervention of power are not capable of being foreseen or defined by law. The necessity may not occur again; if it should the application of the remedy must be left to those who may then be at the head of affairs, subject to their own responsibility and to the judgment of Parliament."

He (Mr. Horsfall) would merely express his conviction that the course recently pursued by the Government had met with unanimous approval on the part of the commercial population of the kingdom.

Mr. WEGUELIN said, he understood a right hon. Gentleman who had recently addressed the House to say that the issue of the letter by the Government might lead to the inference that certain persons might have been assisted previously, or subsequently to the issue of the letter, who would not have received assistance had not such a letter been issued. In reply to that suggestion, he (Mr. Weguelin) begged to say that, so far as he was aware, no application for assistance upon good security, either before or after the issue of that letter, had been made by any person to the Bank of England which was not complied with.

Mr. Horsfall

That was an important practical question, but one which was entirely independent of the duty of the Directors under the provisions of the Act. According to the strict construction of the Act, the Bank Directors ought to have stopped all discounts and advances some days previously. The reserve was in such a condition that had they supposed the letter of the Act would be carried out, it would not have been safe, after the 5th of November, to continue their advances. By adopting such a course, the Directors of the Bank took a great responsibility upon themselves, but they had to consider whether suspension of discount and advances would not, under the peculiar circumstances of the case, have done more harm than their continuance contrary to the spirit of the Act. He believed that their proceedings were regularly communicated to the Government up to the period when they determined on issuing the letter suspending the Act of 1844. The right hon. Gentleman the Member for the University of Oxford seemed desirous of hurrying the House into legislation on the subject; he seemed desirous that the issue should be completely separated from the banking department, and that the Bank of England should become, in reality, what she was in theory, nothing but a large joint-stock bank. So far was he from concurring in this view, that he could conceive nothing which would be so disastrous to the monetary interest and the trade of this country as limiting the power of the Bank of England to that of her capital and deposits. If they destroyed the feeling of the country, that there was a power behind the Bank which, in periods like the present, would support her in making advances to the commercial world, there would be ten times more panic than we had seen. In proof of this, he need only instance what had occurred at Hamburg, where a rigid metallic currency precluded the possibility of any assistance being given to commerce at the most critical periods, and in which small community upwards of one hundred firms had been swept away. Again, take the case of New York. In New York there were a number of competing banks, all issuing notes, but with so large a reserve of gold that at the time of their suspension their notes were only about double the value of the bullion in their coffers. So far were these notes from having been de-

preciated by the stoppage of cash payments, that at the present moment they were at par with the specie dollar. He believed that the disasters in America, in Germany, and in this country had one common origin. He agreed very much with what had been said as to the causes of these commercial disasters by the right hon. Gentleman the Member for Bucks (Mr. Disraeli), except as to his theory about the gold importation; but he was particularly anxious to call the attention of the House to the effect of the war which England and France carried on against Russia. During the last two years the three great Governments of Europe expended annually from £30,000,000 to £40,000,000 sterling more than they had been in the habit of spending. Now, an expenditure for war was one which, through the manufacture of munitions, the payment of troops, and the freightage of ships, resolved itself into a general distribution of wages, and he put it to the House whether by distributing in this way an additional £30,000,000 or £40,000,000 a-year they must not necessarily drive up the price of every article generally consumed by the population. The consequence was that in 1854 and 1855 our trade was in a most prosperous condition. No wonder, for there was great consumption, and all the goods which were imported found a ready market at rising prices. Trade was prosperous, with, as was said, an enormous drain for the war. When peace was concluded, merchants argued that if we had been prosperous during the war we should be twice as prosperous during the peace. They imported upon the same scale, but, with small stocks and an immense demand, the markets fell, and almost every imported article had been sold at declining prices. A paper which he had in his hand showed that during the first ten months of the present year the consumption of colonial sugar in this country and on the Continent had been 100,000 tons less than it was during the same period of 1855. This was an indication that the consumption of Europe generally was excessively enhanced by the war, and had been greatly diminished by the peace. The same thing occurred in 1815. The sudden contraction of expenditure on the part of the Government necessarily reduced consumption, and brought down prices. If that was the case, the commercial distress was clearly traceable to reasonable and natural causes, and we need not attribute our present disasters to currency laws. The currency stood upon a sound basis; it stood on the basis of the Act of 1844, which he believed neither affected the ordinary condition of commerce, nor very much aggravated any disasters which might befall it; for, although the issuing of the Government letter allayed some internal panic, yet as far as the commercial classes were concerned it had no effect in either alleviating or causing distress. The disasters continued after the issuing of the letter, and he was sorry to be compelled to believe that they were still not at an end. He would not have troubled the House with these observations had he not thought that they had a practical bearing upon the great question, what were the causes of the commercial distress. To that question he hoped that the House would seriously give its attention, and he should therefore cordially support the appointment of a Committee, one object of whose labours would be the solution of that question.

Mr. BOOKER-BLAKEMORE stated, from his own experience as a large employer of manufacturing labour, that the pressure, which had hitherto only affected the great commercial and trading houses, was now beginning to bear with great severity upon those whom they employed. Distress had now spread to the great industrial and manufacturing interests of the country, and unless it could be resisted he feared it would not be long before it extended also to the agricultural classes. He congratulated the Chancellor of the Exchequer upon the rapidity with which gold was flowing into the coffers of the Bank of England, and commended the system of remitting money to America by means of acceptances endorsed by the Bank of England and other banks, to the adoption of which this favourable result was, to a considerable extent, to be attributed. It appeared that the amount of bullion in the Bank was a true barometer of our prosperity, and he suggested that gold might be economised by the issue of £1 and £2 notes. He was disappointed that the Government had called Parliament together merely to pass an Act of Indemnity for themselves and the Directors of the Bank of England, and thought that the country would have been better satis-

fied if, instead of merely reappointing this Committee, the House had adopted some practical remedial measure, by which the pressure upon the industrial classes of the community might have been averted, or at all events, mitigated.

THE CHANCELLOR OF THE EXCHEQUER: I will detain the Committee but a very few moments, as I merely wish to state that if I had had any doubt at the outset of this debate as to the expediency —nay, almost necessity—of the appointment of a Committee to investigate this subject, all doubt would have been removed by the course which the debate has taken. We were told that inquiry was superfluous; that the facts were so undisputed, and the arguments so plain and irrefragable, that no difference of opinion could exist as to the main principles of legislation which the Government were called on to adopt; and yet, after hearing this debate, it seems to me that the House, if reduced to the necessity of founding a measure on the speeches of the principal Members who have addressed it, would be compelled to take a ticket in the lottery of legislation in the hope that it would come out a prize. I had hoped that when it was stated that inquiry by a Committee was superfluous, those hon. Gentlemen who advised the House to negative the appointment of a Committee, and proposed an Amendment, would have laid down in the most distinct manner the principles on which the House should legislate. I appeal to this House whether either the right hon. Gentleman opposite (Mr. Disraeli), or the right hon. Member for the University of Oxford (Mr. Gladstone), enunciated clearly and distinctly the principles on which they would wish legislation to be founded. If I correctly understood the speech of the right hon. Gentleman opposite, he said that this debate was the death-blow to the Act of 1844.

MR. DISRAELI intimated that he had not said so.

MR. MALINS: I used the expression.

THE CHANCELLOR OF THE EXCHEQUER: I certainly was under the impression that the right hon. Gentleman opposite used those words; but, however that may be, the effect of his speech was that the whole principle and foundation of the Act of 1844 was vicious, and that all legislative limit on the issues of the Bank of England ought to be removed. I presume, then, we must, following out the same principle, remove the limit on the issues of the country banks; we must allow any new country bank to issue notes, and the existing country banks to issue without limit. We must allow, too, Scotch and Irish banks, if newly established, to issue notes, and the existing ones to issue notes without any limit resulting from the deposit of bullion. All these consequences would follow, I presume, from the doctrines of the right hon. Gentleman opposite. But I must again return to what I said before. The right hon. Gentleman has left us in the dark as to the principles on which we should legislate. Though the whole matter, according to him, is as clear as noon —though no doubt can exist in the mind of any human being with respect to the principles of legislation on the subject— the right hon. Gentleman has still left this extensive part of the subject in a state of great obscurity. Then, my right hon. Friend the Member for the University of Oxford says he would start in a different direction, and would follow out the principle of the Act of 1844. He calls also for legislation; but by the word "legislation" as used on one side of the House and on the other, totally different things are meant. Nothing is easier than to say "legislate," but the question is, in what direction? One says you ought to repeal the Act of 1844, and the other that you should increase the stringency of its provisions. Then it is said that the Government ought to decide between the two, and to have a policy of their own. All I can say is, that I expressed my opinions very distinctly to the House, and it has been made a charge against me that while I expressed those opinions, I nevertheless moved for the appointment of a Committee of inquiry; for, it is said, what is the use of referring to a Committee a subject on which the Government have expressed confident opinions? I utterly deny that there is any inconsistency in the two courses. I do not assume to myself the power of dictating my opinions to the House without evidence or inquiry. I say I may hold certain opinions, but I wish to go to a Committee to see whether those opinions can be supported by evidence, and whether, on the investigation of facts, and on inquiry by competent judges, my views can be maintained. An additional reason for inquiry is, the maintenance of very oppo-

site doctrines by persons of such eminence as those who have addressed the House. My right hon. Friend the Member for the University of Oxford says that you must separate the functions of issue and banking. You must, he says, as soon as possible, constitute the present department of issue in the Bank of England an independent institution, and in that manner carry out the policy of the Act of 1844. Well, if that be the principle on which we are to act, how can we reconcile that with the views of the right hon. Gentleman opposite? It may be well to cut off discussion by refusing an inquiry, but when a measure should be introduced, and should come to be debated in this House, it would then be found that irreconcilable opinions still continued to be entertained. My right hon. Friend hinted obscurely at certain elastic provisions which he wished to be engrafted on the Act of 1844. I presume he refers to the plan which he brought forward by means of certain questions in the Committee of last Session, which he proposed to the hon. Member for Southampton (Mr. Weguelin) when under examination. That plan was founded on the principle of increasing the issues of the Bank of England according to a sliding scale, depending on the Bank rate of discount. [Mr. Gladstone intimated dissent.] My impression was that it was a plan of this nature, that as the Bank rate of discount increased there should be a power of issuing by the Bank. [Mr. Gladstone again expressed his dissent.] I may have mistaken the plan, but such I understood to be its nature. However, if we have this uncertainty with respect to so important a provision to be engrafted upon the Act, I only say that that is an additional reason for inquiry. I remember that the plan which my right hon. Friend suggested was disproved by the witness under examination, and I do not remember that similar questions were proposed to any other witness. Therefore, as far as that plan is concerned, the only witness examined upon the point gave an unfavourable opinion as to its operation. I cannot but think that the conflict of opinions we have witnessed to-night affords anything but a favourable augury with respect to the probability of the success of any measure that might be proposed without further inquiry. I would also ask the House whether it would think it reasonable to carry further the principle of the Act of 1844 by suppressing the issues of English country banks, and of Irish and Scotch banks, without giving them some opportunity of having their case heard? With respect to the instruction I propose to move to the Committee, I cannot but think that, so far from the case for inquiry being weakened since the end of last Session, it is in fact strengthened; and it is most material that the true nature and causes of the late commercial distress should receive a searching and deliberate investigation by a Committee of this House.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 295; Noes 117: Majority 178.

List of the Ayes.

Adair, H. E.
Akroyd, E.
Anderson, Sir J.
Antrobus, E.
Atherton, W.
Ayrton, A. S.
Bagshaw, R. J.
Bagwell, J.
Bailey, C.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Baring, H. B.
Baring, T. G.
Barnard, T.
Bass, M. T.
Baxter, W. E.
Beale, S.
Beamish, F. B.
Beaumont, W. B.
Beecroft, G. S.
Bethell, Sir R.
Biggs, J.
Black, A.
Blackburn, P.
Bonham-Carter, J.
Botfield, B.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Bramston, T. W.
Briscoe, J. I.
Brocklehurst, J.
Bruce, Lord E.
Buchanan, W.
Buckley, Gen.
Buller, J. W.
Bury, Visct.
Butler, C. S.
Butt, I.
Buxton, C.
Buxton, Sir E. N.
Byng, hon. G.
Caird, J.
Calcraft, J. H.
Campbell, R. J. R.
Cardwell, rt. hon. E.
Castlerosse, Visct.
Cavendish, Lord
Cheetham, J.
Cholmeley, Sir M. J.
Clay, J.
Clifford, C. C.
Clifford, H. M.
Clinton, Lord R.
Clive, G.
Cobbett, J. M.
Codrington, Gen.
Colebrooke, Sir T. E.
Collier, R. P.
Colvile, C. R.
Conyngham, Lord F.
Cowper, rt. hon. W. F.
Cotterell, Sir H. G.
Cowan, C.
Cox, W.
Craufurd, E. H. J.
Crawford, R. W.
Cross, R. A.
Crossley, F.
Dalglish, R.
Dashwood, Sir G. H.
Davey, R.
Deedes, W.
Denison, E.
Dillwyn, L. L.
Divett, E.
Duke, Sir J.
Dunbar, Sir W.
Duncan, Visct.
Duncombe, T.
Dundas, F.
Dunlop, A. M.
Dutton, hon. R. H.
East, Sir J. B.
Ebrington, Visct.
Egerton, E. C.
Elcho, Lord
Ellice, rt. hon. E.
Ellice, E.
Ellis, hon. L. A.
Elton, Sir A. H.
Euston, Earl of
Evans, T. W.

Ewart, W.
Ewart, J. C.
Fagan, W.
Fenwick, H.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R.
Finlay, A. S.
FitzGerald, rt. hon. J. D.
FitzRoy, rt. hon. H.
Foley, J. H.
Foley, H. J. W.
Foljambe, F. J. S.
Forster, C.
Fortescue, hon. F. D.
Fortescue, C. S.
Freestun, Col.
French, Col.
Garnett, W. J.
Gifford, Earl of
Glyn, G. C.
Glyn, G. G.
Goderich, Visct.
Gordon, L. D.
Gray, Capt.
Greer, S. M. C.
Gregson, S.
Grenfell, C. P.
Grenfell, C. W.
Grey, R. W.
Gurdon, B.
Gurney, J. H.
Gurney, S.
Hadfield, G.
Hall, rt. hon. Sir B.
Hamilton, Capt.
Hanbury, R.
Hankey, T.
Hanmer, Sir J.
Hardcastle, J. A.
Hardy, G.
Harris, J. D.
Hatchell, J.
Hay, Lord J.
Headlam, T. E.
Heathcote, hon. G. H.
Heneage, G. F.
Herbert, rt. hon. H. A.
Hodgson, K. D.
Hope, A. J. B. B.
Horsfall, T. B.
Hotham, Lord
Howard, hon. C. W. G.
Howard, Lord E.
Hutt, W.
Ingham, R.
Ingram, H.
Jervoise, Sir J. C.
Johnstone, J. J. H.
Keating, Sir H. S.
Kendall, N.
Kershaw, J.
King, hon. P. J. L.
King, E. B.
Kinglake, A. W.
Kinglake, J. A.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Kirk, W.
Knatchbull-Hugessen, E.
Labouchere, rt. hon. H.
Langston, J. H.
Langton, H. G.
Legh, G. C.
Levinge, Sir R.
Lewis, rt. hn. Sir C. G.
Lincoln, Earl of
Lindsay, W. S.
Locke, Jos.
Locke, John
Lockhart, A. E.
Lowe, rt. hon. R.
M'Cann, J.
Mackie, J.
Mackinnon, W. A. (Lyming.)
Mackinnon, W. A. (Rye)
Mainwaring, T.
Mangles, R. D.
Mangles, C. E.
Marjoribanks, D. C.
Marshall, W.
Martin, C. W.
Martin, P. W.
Martin, J.
Massey, W. N.
Melgund, Visct.
Mellor, J.
Mills, A.
Mitchell, T. A.
Moffatt, G.
Moncreiff, rt. hon. J.
Montgomery, Sir G.
Mowbray, J. R.
Napier, Sir C.
Norreys, Sir D. J.
Norris, J. T.
North, F.
O'Brien, P.
Ogilvy, Sir J.
Osborne, R.
Owen, Sir J.
Paget, C.
Paget, Lord A.
Palmerston, Visct.
Paxton, Sir J.
Pease, H.
Pechell, Sir G. B.
Perry, Sir T. E.
Philips, R. N.
Philipps, J. H.
Pilkington, J.
Pinney, Col.
Price, W. P.
Pritchard, J.
Pryse, E. L.
Pugh, D.
Puller, C. W.
Ramsden, Sir J. W.
Raynham, Viscount
Rebow, J. G.
Ricardo, O.
Richardson, J.
Robartes, T. J. A.
Rocbuck, J. A.
Russell, Lord J.
Russell, H.
Russell, A. J. E.
Russell, F. W.
Schneider, H. W.
Scott, hon. F.
Scrope, G. P.
Seymour, H. D.
Shafto, R. D.
Shelley, Sir J. V.
Sheridan, H. B.
Sibthorp, Maj.
Slaney, R. A.
Smith, J. B.
Smith, rt. hon. R. V.
Smith, A.
Smith, Sir F.
Smollett, A.
Spooner, R.
Stafford, Marq. of
Stanley, hon. W. C.
Stapleton, J.
Steel, J.
Stephenson, R.
Stuart, Lord J.
Stuart, Col.
Sturt, H. G.
Sturt, N.
Sullivan, M.
Sykes, Col. W. H.
Tancred, H. W.
Taylor, S. W.
Thompson, Gen.
Thornley, T.
Thornhill, W. P.
Tite, W.
Tollemache, hon. F. J.
Tomline, G.
Townsend, J.
Trelawny, Sir J. S.
Turner, J. A.
Tynte, Col. K.
Vane, Lord H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Walter, J.
Weguelin, T. M.
Western, S.
Westhead, J. P. B.
Whatman, J.
Whitbread, S.
White, J.
Wickham, H. W.
Williams, M.
Williams, W.
Williams, Sir W. F.
Willyams, E. W. B.
Willoughby, Sir H.
Wilson, J.
Wingfield, R. B.
Winnington, Sir T. E
Wise, J. A.
Wood, rt. hon. Sir C.
Wood, W.
Woods, H.
Wrightson, W. B.
Wyld, J.
Wyndham, W.
Young, A. W.

TELLERS.
Hayter, rt. hon. W. G.
Brand, hon. H. B.

List of the NOES.

Adams, W. H.
Adderley, C. B.
Annesley, hon. H.
Baillie, H. J.
Ball, E.
Baring, A. H.
Baring, T.
Barrow, W. H.
Bathurst, A. A.
Beach, W. W. B.
Bentinck, G. W. P.
Blakemore, T. W. B.
Boldero, Col.
Bovill, W.
Bowyer, G.
Bramley-Moore, J.
Bridges, Sir B. W.
Bruen, H.
Buller, Sir J. Y.
Carden, Sir R. W.
Charlesworth, J. C. D.
Christy, S.
Clive, hon. R. W.
Close, M. C.
Codrington, Sir W.
Cole, hon. H. A.
Collins, T.
Corry, rt. hon. H. L.
Crook, J.
Curzon, Visct.
Damer, L. D.
Davison, R.
Disraeli, rt. hon. B.
Du Cane, C.
Dundas, G.
Du Pre, C. G.
Edwards, H.
Egerton, Sir P. G.
Elmley, Visct.
Elphinstone, Sir J.
Farnham, E. B.
Farquhar, Sir M.
Fitzgerald, W. R. S.
Forde, Col.
Forster, Sir G.
Fraser, Sir W. A.
Galway, Visct.
Gard, R. S.
Gladstone, rt. hon. W.
Greenall, G.
Greene, J.
Griffith, C. D.
Grogan, E.
Hamilton, G. A.
Hamilton, J. H.
Heathcote, Sir W.
Henley, rt. hon. J. W.
Herbert, Col.
Hodgson, W. N.
Hopwood, J. T.
Hudson, G.
Hume, W. F.
Ingestre, Visct.
Johnstone, hon. H. B.
Jolliffe, H. H.
Kerrison, Sir E. C.
King, J. K.
Knatchbull, W. F.
Knightley, R.
Knox, Col.
Laurie, J.
Lennox, Lord H. G.
Leslie, C. P.
Lisburne, Earl
Lovaine, Lord
Lygon, hon. F.
Lytton, Sir G. E. L. B.
Macartney, G.

Macaulay, K.	Scott, Maj.
Malins, R.	Stanley, Lord
Manners, Lord J.	Stirling, W.
March, Earl of	Steuart, A.
Maxwell, hon Col.	Tollemache, J.
Miles, W.	Trefusis, hon. C. H. R.
Miller, T. J.	Vance, J.
Morgan, O.	Vansittart, W.
Naas, Lord	Verner, Sir W.
Newdegate, C. N.	Waddington, H. S.
Nisbet, R. P.	Walcott, Adm.
O'Donaghoe, The	Walpole, rt. hon. S. H.
Packe, C. W.	Warren, S.
Pakenham, Col.	Whitmore, H.
Pakington, rt. hon. Sir J.	Woodd, B. T.
Palk, L.	Wortley, Maj.
Palmer, R.	Wyndham, Gen.
Paull, H.	Wynn, Col.
Pevensey, Visct.	TELLERS.
Repton, G. W. J.	Jolliffe, Sir W.
Robertson, P. F.	Taylor, Col.

Main Question put, and *agreed to*.

"That a Select Committee be appointed, to inquire into the operation of the Bank Act of 1844 (7 and 8 Vic. c. 32) and of the Bank Acts for Ireland and Scotland of 1845 (8 and 9 Vic., c. 37 and 38)."

THE CHANCELLOR OF THE EXCHEQUER moved—

"That it be an instruction to the Committee, to inquire into the causes of the recent Commercial Distress, and to investigate how far it has been affected by the Laws for regulating the issue of Bank Notes payable on demand."

In reply to Mr. NEWDEGATE,

THE CHANCELLOR OF THE EXCHEQUER said, that Government having moved that a Committee should be appointed to inquire into the provisions of two Acts, implied, that it was within the competence of that Committee to recommend alterations in their material or less material provisions, and it would be for the Government to consider how far they would give effect to those recommendations.

MR. T. BARING said, that he thought sufficient business had already been referred to the Committee, and he would therefore suggest that a second Committee, consisting of fewer Members, should be appointed to inquire into the matters to which the proposed instruction related.

THE CHANCELLOR OF THE EXCHEQUER said, it would be very difficult to form two Committees on two subjects so closely connected with one another, and the practical result would be that they would have one Committee inquiring into the Act of 1844 in one room, and another occupied with the same task in a room adjoining. He thought time would be saved by referring both matters to one Committee, and they would avoid the absurdity and inconvenience which would follow if two Committees, differently constituted, were to arrive at inconsistent conclusions.

MR. HUDSON said, the two points were distinct, and he trusted the suggestion of the hon. Member for Huntingdon would be acceded to.

LORD JOHN RUSSELL said, the right hon. Gentleman the Member for the University of Oxford had inquired what was to be done with any profit that might arise from the increased issue beyond the limit allowed by the law. In 1847, the Government stated that if any profit accrued it would go to the public, and not to the Bank. At that time there were no profits, and the point was not material. If the profit should now be small, the matter would not be one of great importance. But if any elastic provisions should be hereafter introduced into the Act, it might involve larger sums; and even if the law should remain in its present state, it was desirable it should be known that the Bank would not derive any profit from the extra issue.

THE CHANCELLOR OF THE EXCHEQUER said, his attention had been directed to the subject, but he had thought it undesirable to come to any definite arrangement with the Bank until the account was closed by the return of the £2,000,000 now in excess. He was aware of the importance of not allowing it to be imputed to the Bank that they had any sinister interest in issues beyond the amount of the Act. He had a firm belief that the Bank Directors were very reluctant to exceed the law, and that they would reduce the issue to the limit imposed by the Act at the earliest moment they could do so with safety. He felt sure the Bank would not be influenced by any interested motives, but he agreed that they ought to be placed in a position free from suspicion.

SIR HENRY WILLOUGHBY asked on whom a loss, if loss there were, would fall?

THE CHANCELLOR OF THE EXCHEQUER observed, he was not aware how a loss could occur. If a loss should occur he would inform the hon. Baronet in what manner they would deal with it.

MR. DISRAELI said, he hoped Her Majesty's Government would consider

the suggestion of his hon. Friend (Mr. Baring) during the recess. The Committee last year was unwieldy and cumbrous, being composed of twenty-five Members. The Committee which sat in 1847 on commercial distress was composed of about the same number of Members, and, owing to the subject of the Bank Charter being wantonly mixed up with commercial distress, witnesses put in whole pamphlets on the currency, and there was no real inquiry into commercial distress. The result was most unsatisfactory; and he had no doubt his hon. Friend's suggestion was prompted by the experience of the proceedings of that Committee. It would even be better if a third Committee were appointed to inquire into the subject of the Scotch and Irish banks. Neither of the Committees ought to exceed twelve Members, and he was convinced that without some such division it was impossible that any satisfactory conclusion could be arrived at on the miscellaneous matters which were to be inquired into.

Sir CHARLES WOOD said, that the right hon. Gentleman was mistaken as to the course which had been taken in the Committee of 1847, because the inquiry into the causes of the commercial distress carried out by that Committee was mixed up at every step with the inquiry into the operation of the Act of 1844. Many hon. Gentlemen were of opinion that the commercial crisis of the present year was mainly caused by the operation of the Act of 1844, and if two separate Committees were appointed the Committee on the commercial crisis would be absolutely precluded from entering into any inquiry into what some of its Members might deem to be one of its principal causes. Other hon. Gentlemen had attributed the crisis to the overtrading and overbanking of the Scotch banks; and if a third Committee were appointed on that subject, the Committee on the commercial crisis would be in a like manner precluded from entering upon another of its alleged causes. The adoption of the suggestion of the right hon. Gentleman would have the effect of preventing any satisfactory conclusion whatever being arrived at.

Mr. T. BARING explained, that in suggesting the appointment of a second Committee, he had only been desirous of following the precedent set by the other House of Parliament in 1847.

Mr. NEWDEGATE said, the Act of 1844 was intended to regulate the Bank of England when bullion was diminished in its vaults. Surely the causes of the variation of the bullion were a separate subject, and ought to be separately inquired into. If hon. Gentlemen, who supported the Government to-night, had done so under the impression that they were going into Committee with the view of inquiring into the Act of 1844, he believed they would find themselves grievously mistaken.

Motion *agreed to.*

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Saturday, December 12, 1857.

Minutes.] Royal Assent.—Bank Issues Indemnity.

VISCOUNT CANNING AND SIR COLIN CAMPBELL.

Lord PANMURE: My Lords, before the House adjourns I wish to perform what I consider a public duty, but which would have been performed by the illustrious Duke at the head of the army had he not unfortunately mistaken the hour at which the House was to meet. He supposed it was five o'clock instead of three o'clock, and appointed at the latter hour a levée which he cannot leave, and which has prevented him from being present on this occasion. It was His Royal Highness's intention to set right before the public a distinguished and gallant officer of the army, and to have made to your Lordships the statement which I am now about to make. He has authorised me to make it for him in justice to that gallant officer Sir Colin Campbell; and I, on the other hand, not only make it in justice to that gallant officer, but as a Member of Her Majesty's Government, and, as a colleague of Lord Canning, also in justice to the Governor General of India. Your Lordships must be well aware that, for reasons I shall not attempt to divine, certain persons have attempted most industriously to persuade the public that disagreements existed between Lord Canning and Sir Colin Campbell. It has been also in vain that a distinct denial has been given to these statements on the part of Her Majesty's Go-

vernment. Such denials have, however, been made, and they have been generally believed. But what I shall now read to your Lordships, which is an extract of a letter from Sir Colin Campbell, will put the matter beyond a doubt, and must quench for ever in the public mind the malicious intentions of those who have invented this story. It is an extract from a letter from Sir Colin Campbell to His Royal Highness the Commander in Chief, dated October 26, 1857, and written upon the occasion of that gallant officer's quitting Calcutta to take the field at the head of his troops, with, I hope, a full prospect of leading those troops to victory. My Lords, the extract is as follows:—

"Now that I am on the point of leaving Calcutta, I would beg, with the greatest respect to the Governor General, to record my deep sense of the obligation I entertain towards his Lordship. Our intercourse has been most cordial, intimate, and unreserved. I cannot be sufficiently thankful for his Lordship's confidence and support, and the kindly manner in which they have been afforded, to my great personal satisfaction. One at a distance, not acquainted with the ordinary mode of transacting business in this country, can hardly estimate the gain to the public service which has thus been made, but I allude principally to my own feelings of gratification."

Thus, my Lords, Sir Colin Campbell bears testimony to the fact that Lord Canning, setting aside the ordinary mode of transacting business in that country, has afforded him a support which had tended greatly to the advantage of the public service. My Lords, I thought it my duty to make this statement to your Lordships and the public before Parliament adjourned, in order that we might set at rest at once and for ever the calumny which has been circulated, that between the Governor General of India and the Commander in Chief disagreements have existed.

House adjourned at half-past Three o'clock, to Thursday the 4th February next, at half-past Four o'clock.

HOUSE OF COMMONS,

Saturday, December 12, 1857.

Minutes.] New Writ.—For Buckinghamshire, *v.* the Hon. Charles Compton Cavendish, Manor of Northstead.

Viscount PALMERSTON moved, That this House will at the rising of the House this day adjourn till Thursday, the 4th day of February next.

THE DEBATE ON THE BANK COMMITTEE.

EXPLANATION, MR. SPOONER.

Mr. SPOONER claimed the indulgence of the House while he endeavoured to do justice to a most respectable gentleman, an old and esteemed friend of his own, who was rather unfairly dealt with last night by the Chancellor of the Exchequer; he alluded to Mr. Twells. The right hon. Gentleman read part of Mr. Twells's evidence before the Committee on Banking, but the way in which he quoted that evidence was calculated to give a wrong impression of the views held by him. The Chancellor of the Exchequer read a long series of leading questions—he should rather call them misleading questions—which had been put to Mr. Twells by the Chancellor of the Exchequer, and their answers, but he omitted to read other questions and answers in connection with them, which changed the whole character of the evidence. He did not read the questions consecutively, but omitted many intervening ones, and thus prevented the House from fully understanding the effect of the whole. The right hon. Gentleman began by saying that he had been led into the error of supposing that he (Mr. Spooner) was the advocate of an unlimited issue of inconvertible paper, but that he had been made sensible of his error by a statement which he (Mr. Spooner) made to the House that he held no such views. He said he had been led into the error by the evidence of Mr. Twells, whose sentiments he had supposed him (Mr. Spooner) to hold. Now, he begged to say that he concurred in all that Mr. Twells said before the Committee, but not in the construction put upon it by the Chancellor of the Exchequer. The right hon. Gentleman asked this question—

"You recommend the issue of £20,000,000 of bank-notes not payable in gold on demand, but receivable by the Government in payment of taxes.—Yes."

But the next question and answer were omitted, namely—

"Do you understand that those notes would be issued by the Bank of England or by the Government?—I think it is perfectly immaterial. I should say by the Bank of England, on account of the completeness of its machinery. In order to avoid as much as possible violating the feelings of the people with regard to that to which we

have been so long accustomed, it would be merely altering the words, and inserting, instead of 'I promise to pay,' something of the same kind as is inserted in an Exchequer bill, 'payable for receipt of taxes.' It would of course be sanctioned by Government, but whether the notes were issued by the Government or by the Bank of England I think would be very immaterial."

The views of Mr. Twells were that we should have two sorts of currency, one for our own inland and domestic purposes, and the other to carry on our foreign trade. The Chancellor of the Exchequer also put the following question:—

"Of course it would be necessary to omit the words, 'I promise to pay,' because these notes would not, in fact, be promises to pay on demand?—Quite so."

But he omitted to put the next question, which was one of great importance—

"What do you conceive to be the advantage of an inconvertible note of that kind over a convertible note payable to bearer on demand?—It would prevent a drain of bullion when it is required for foreign trade, and it would give us, what is so very essential, a domestic currency which is not influenced by any foreign transactions whatever. If France or America wants a quantity of gold it ought not to interfere with our domestic currency. Our merchants and all our trade surely should not suffer because America wants gold."

Again he asked—

"Do you think that that currency would run the risk of ever being depreciated in value—that is to say, that inconvertible £5 notes would not exchange for five sovereigns?—I do not know as compared with sovereigns; that, I think, is of no consequence in the world. We want it for our internal commerce, and we want it to pay Government their taxes."

But the next question asked, and not given by the right hon. Gentleman, was—

"How would you determine the value of a £5 note?—I do not want any value beyond its passing for £5 for taxes; whatever the Government demands from me as a tax of £5."

What his friend Mr. Twells meant was that the Government which paid the five-pound note in discharge of a debt due from the Government, should receive back the same five-pound note due from the country to the Government. The Government, therefore, would be paid back in its own coin, Mr. Twells was afterwards asked his opinion as to the cause of the depreciation of the French *assignats* at the time of the Revolution, and his reply was—

"What I stated a little while ago, that a Government may issue in excess; it is very possible, and supposing it is a corrupt Government they have the power of doing it; but such an institution as our Bank of England cannot do it, because they only issue against property, against something of equal value with their own notes, and we consider that the further value of their own notes is secured by the sanction of a well-established Government; that the guarantee of our Government, taking it as it is in England, is quite equal to £20,000,000 of gold deposited in a vault. I should be very sorry to think otherwise of it."

There was enough in that answer to explain the difficulty of his right hon. Friend about the matter, and which excited so much mirth and merriment in the House. It showed that Mr. Twells meant all his answers to apply not to notes issued by the Bank of England, but to notes guaranteed by the Government. He hoped this statement, which he had deemed it his duty to make, would receive as wide a publicity as that which had been made by the Chancellor of the Exchequer. Mr. Twells was next asked—

"Under what does the country suffer, and why under a drain of bullion?—Because it cannot have supplied to it a sufficient circulation. The House of Commons was congratulated in the year 1811 upon the adoption of a measure for supplying the country with a circulating medium of undoubted credit proportioned to its wants; now I take it that to secure that is the object of a sound currency.

"From what is that an extract?—That was stated on Mr. Horner's Motion for the Bullion Committee. 'A circulating medium of undoubted credit, proportioned to the wants of the country,' I conceive, must embrace everything that can be required of a currency.

"Whose opinion is that?—That is what was stated by Lord Castlereagh, and he observed upon it that this circulating medium of undoubted credit had 'for the first time' solved the problem of reconciling national prosperity with a state of war; that the country had risen in manufactures, internal improvement, revenue, and commerce, with a velocity which had never been experienced in a year of profound peace.

"The gap which is created in the circulating medium by sending bullion out to purchase corn would be filled up for the time by the inconvertible note till the exchange is turned, and then gold would naturally flow in?—Yes, it would naturally flow in, just as any other commodity.

"But the bank-note, if issued entirely by the Bank upon the Bank's own responsibility, you would still keep liable to be paid in gold; you do not want to make any change in that?—Not at all.

"There would be no necessity for it?—None whatever.

"There are notes to the extent of £14,500,000 now issued upon securities?—Yes.

"Do not they, upon the face of them, bear a promise to pay on demand?—Yes.

"Supposing the demand was to extend to them, and to pay upon that £14,500,000, would they be able to be paid?—No, they would not be able to be paid; but the country is now put in such a position that they cannot demand it.

"Then paper is issued which is not capable of being paid on demand, but it is done in the confidence that the country would be in such a state before that demand could be made that it would be utterly impossible for the country to demand it?—Yes, quite so.

"Then it bears upon the face of it a fallacy, just as much as an inconvertible note?—Yes, just the same. Therefore I think it would be only the fair and judicious and honest course to take that those notes should bear an impress upon them of what they were intended to be.

"You therefore recommend that those notes, instead of being issued upon securities, and pretending that they are issued on gold, should bear upon the face of them that they are issued upon securities, and you would recommend that those notes so issued upon securities, should be made a legal tender?—Quite so.

"And whether the amount should be £14,000,000 or £20,000,000 is a question upon which you do not give a positive opinion?—Not at all.

"But your experience has shown you that when there was a steady issue of about £20,000,000 the trade was carried on steadily and prosperously in the country?—Yes; that is why I say £20,000,000; but it is quite possible that £14,000,000 would effect a great deal; that is a matter which experience only can decide."

Mr. Twells was a man of great experience and sound judgment, and was mixed up with no particular party. He came before the Committee to tell them the result of his long experience, and it was not treating fairly a gentleman now nearly eighty years of age, to attack him by ridicule and joke, and to take up garbled statements of the questions put to him and the answers he had given.

CHURCH RATES—THE CORRUPT PRACTICES PREVENTION ACT.

QUESTION.

MR. T. DUNCOMBE wished to put two questions to the noble Lord at the head of the Government. The first was, whether it was the intention of Her Majesty's Government to introduce during the present Session a measure on the subject of church rates? The second question was one of more importance, because with regard to church rates people were taking the remedy into their own hands, and there was an unwillingness to enforce the law. The other question related to the Corrupt Practices Prevention Act. That Bill was passed for a year, and until the end of the Session next thereafter. It was renewed for another year and for the Session afterwards. The latter Session had now arrived, and if anything should terminate the Session abruptly, corruption and bribery would be held under very precarious and slender control. He wished to know whether Her Majesty's Government intended to refer the subject to a Select Committee, or whether they would bring in a Bill to improve that bungling Act?

VISCOUNT PALMERSTON: With regard to the first question of the hon. Gentleman, Her Majesty's Government hope to be able to lay before Parliament during the present Session a measure on the subject of church rates. Of course, I cannot make any positive engagement on the subject, because it will depend upon the state of public business. With regard to the second question put to me by my hon. Friend, we stated last year that we proposed to continue the Act for another year instead of at once appointing an Election Committee to consider the subject, because we imagined, as the election petitions were then about to be presented, that the decisions and investigations of the Election Committees would throw a light on the matter, and that it would be better to postpone until the present Session the appointment of a Committee to consider what alterations ought to be made in that Act. Of course we shall carry that intention into execution, and when Parliament meets again I shall be ready to propose the appointment of a Committee to consider the working of the Act. With regard to the contingency of an appeal to the country, to which my hon. Friend has alluded, we hope after what has passed in this House we shall be relieved from that necessity.

SIR JOHN TRELAWNY thought that after the answer given by the noble Lord on the question of church rates, it was hopeless to expect any measure on the subject from the present Government. For the last two years they had been making promises on the subject, and so far from having fulfilled them the pledge just given by the noble Lord was much less binding than his promise of last Session. The question had been before the country since 1833, and last Session it had given rise to great debates in that House, and had been referred to a Select Committee. The matter was, therefore, quite ripe for settlement. The noble Lord should at once say what horse he intended to name as winner. If he were the head of a Conservative party, let him say so; if of a Liberal party, let him declare it.

He had a large majority, and he ought to come forward like a man, and not suppose that the country was going to be gulled in the way that the noble Lord's treatment of church rates would seem to indicate. The House was laughed at, and the people of the country treated like children.

COMMERCIAL DISTRESS.

MR. NEWDEGATE: Sir, I am unwilling to allow the House to adjourn without calling the attention of Her Majesty's Government, and I do so with no invidious spirit, to the wide-spread and increasing distress among the operative classes. The accounts I have received from my own district, the accounts which I have seen in the public papers concerning other districts, and communications which I have had with many hon. Members, convince me that, although Parliament is about to separate without doing more than sanctioning the measure of relief which Her Majesty's Government thought fit, and I think most wisely, to adopt, I ought not to leave this House for the recess without expressing my conviction that if this distress increase in intensity, and Her Majesty's Government adopt other and further measures of relief, they will have the full sanction of Parliament for the adoption of such measures. I may, however, be asked to propose some plan of action. Sir, I know too well the fate of measures proposed by the Opposition; but I trust the House will not think that I am taking up their time unreasonably in expressing that which is not only my own opinion, but must, I think, be the feeling of the House—namely, that it is the duty of the Government, as charged with the interests of the country, to show those who are exposed to the pressure of distress that the Executive is not indifferent, and that the House of Commons does not expect or wish it to be indifferent, to the situation in which the working classes are now placed. I almost regret that the House is to separate for so long a time; for although I do not look to any immediate remedy being suggested by the Committee on Commercial Distress—although I cannot hope for any specific remedy from them—still I would impress upon the Government that to leave this distress unmitigated would be to engender in the minds of the people of this country the feeling that we are indifferent to a state of things which every man of feeling ought to lament, and which I am sure every hon. Member of this House does deplore. I shall not detain the House any further than by simply reminding the Government that so far as I am concerned, and so far as the majority of the Members of this House are concerned, we have expressed our intention to support them in any measures which they may adopt in order to meet the distress which now, unfortunately, exists to a vast extent amongst the operative classes of this country.

SIR GEORGE GREY said, that it had been stated in Her Majesty's Speech from the Throne that a great deal of local, and, he trusted, what might turn out to be temporary, distress had been occasioned by the recent commercial failures, which had the effect of throwing a large portion of the population either altogether out of employment, or of seriously reducing their wages. He was bound to say that, notwithstanding that melancholy circumstance, the conduct of the working-classes entitled them to the strongest sympathy of the House, and that sympathy he was sure they had. He was, however, anxious to say one word with respect to the observations which the hon. Member for North Warwickshire had just made, he was sure, in the best spirit. He did not wish it to be understood that the Government acquiesced in the opinion that it was in the power of the Government, or of that House, to meet the case of local or temporary distress by any specific measure. If the hon. Gentleman's observations had reference to the general laws in regard to trade and commerce, then he (Sir George Grey) did not disagree with him, for he thought it the duty of both the Government and Parliament to see that no obstructions lay in the way of a proper development of the operative skill and industry of the country. He should add to his statement that he was happy to say the accounts which he was receiving from the country went to show that the distress was rather diminished, but it was as yet impossible to pronounce any definite opinion on that subject. He, however, trusted that the conduct of the public would continue to be as highly creditable as it had hitherto been, and demonstrate that they appreciated the privileges of the constitution under which they lived. As it was, nothing could be

more creditable than their conduct during the recent privation to which many of them had unhappily been subject.

THE QUEEN'S MESSAGE—LADY HAVELOCK.

Mr. GRIFFITH, referring to the East India Company having conferred an annuity of £500 upon Lady Neill, pointed the attention of the House to the less favourable position in which Lady Havelock would be in the event of becoming a widow, and suggested to the Government that in the new arrangement about to be made with respect to the pension of Sir Henry Havelock, the pension, at Sir Henry's death, should be given one-half to the widow and one-half to the son, with reversion to the son on the death of the widow. Such an arrangement as that would not increase the charge to the country, and he could not doubt that it would be more agreeable to the feelings of the gallant officer himself than the present proposal.

Motion *agreed to*, That this House will, at the rising of the House this day, adjourn till Thursday, the 4th day of February next.

NAVAL STATIONS.

AUSTRALIA AND NEW ZEALAND—QUESTION.

Lord ALFRED CHURCHILL said, he would beg to ask the First Lord of the Admiralty, Whether it is the intention of Her Majesty's Government to form a separate Naval Station for the Australian and New Zealand colonies?

Sir CHARLES WOOD: The naval command for both New Zealand and Australia is vested in one officer, nor is there any likelihood that the command will be divided, certainly not for some time to come.

THE GOVERNMENT OF INDIA.

QUESTION.

Mr. WYLD said, he would beg to ask the First Lord of the Treasury if upon the reassembling of Parliament it is the intention of Her Majesty's Ministers to propose any alteration in the present Government of our Indian Empire?

Sir GEORGE GREY said, his noble Friend (Viscount Palmerston), who was not at that moment in his place, had already stated that on the reassembling of Parliament he would explain the intentions of the Government on that subject.

THE STEAMSHIP "AUSTRIA."

REPORT MOVED FOR.

Colonel SYKES, in moving for a Copy of the Reports of the East India Company's Surveyors upon the Screw Steamship *Austria* upon which she was engaged for the conveyance of Troops to India, together with Copy of the Ship's Register, complained of the misrepresentations which had been made respecting that vessel. He said she was a new vessel of 2,385 tons, and built and fitted out at Greenock. Her engines were made by Messrs. Caird and Co., of that place, men of high repute in their profession. The vessel had a British register, and her owner was a naturalized British subject. Before being taken up as a transport to India she was surveyed by the East India Company's engineer, as were her engines by the assistant to the chief engineer at Woolwich Dockyard, and the reports which those gentlemen made of her were entirely satisfactory. The troops embarked at Cork, and thence the vessel sailed on the 5th of October. When in the Bay of Biscay she encountered one of those storms so common there. She was struck by a sea which swept her decks, broke down and carried away her bulwarks fore and aft, and compelled her to put back to Plymouth for repairs. On examination there her engines were found to be unharmed, and after the ship had undergone the necessary repairs she again proceeded on her voyage. She experienced another storm, however, and unfortunately in the midst of it a part of her engines gave way. The result was that the piston of the engine went through the bottom of the cylinder, and the vessel thus becoming perfectly helpless was towed back to Plymouth a second time. It had been stated that the authorities at the India House ordered that a spar-deck should be added to the vessel for the increased accommodation of the troops. The very reverse of that was the case. That proposition emanated from the owners of the ship; but the Company's surveyors refused their permission, and happily so, for the sea that first struck the vessel in the Bay of Biscay would probably have swept into the sea the whole 200 or 300 soldiers who would have occupied that temporary spar-deck. He thought when the House was in possession of the returns for which he was about to move, it would see that not a shadow of blame was attributable to the

India House in the matter. This was scarcely the occasion, or he should certainly have offered some severe comment upon the loose manner in which subjects were often investigated before they were publicly discussed. The hon. Member concluded by moving for the papers.

SIR WILLIAM FRASER said, having had an opportunity of going on board the vessel in question on her first return to Plymouth, after she had been nearly wrecked in the Bay of Biscay, he wished to state briefly to the House what he observed on that occasion. He did not profess to have any great knowledge of shipbuilding, but no one could have seen the state of the vessel without being convinced that she was not at all a ship in which to trust one of Her Majesty's regiments on a long voyage to India. There was hardly a door or panel in the ship that was not cracked or destroyed. There were no bulwarks whatever on the upper deck, and of the light iron railing used as a substitute for bulwarks two-thirds had been washed away; four out of the six boats on her deck had also been washed away, and the vessel had been as nearly wrecked as could be with all her troops and crew. Indeed one of the men of the 94th Regiment was washed overboard. The gallant Colonel had not stated the number of the crew and engineers on board the ship, and he (Sir W. Fraser) would endeavour to supply the deficiency. The number of the crew of this vessel of 2,300 tons, which had on board one of the finest regiments in Her Majesty's service, was eighteen; the number of engineers, stokers, and other persons employed in working the engines, was twenty-two; and out of the whole of those forty men only three could speak the English language. He was bound to say that the captain seemed to be a most intelligent man, and to have acted with the greatest intrepidity during those trying emergencies. He (Sir W. Fraser) was told that for forty-eight hours he never left the deck, and that it was mainly owing to his conspicuous energy and prowess that the vessel was able to reach Plymouth. There was a story circulating in Plymouth when he (Sir W. Fraser) was there, though he would not vouch for the accuracy of it, that during the storm in the Bay of Biscay the greater part of the men employed in the engine room declared that it was no use working any longer, because they saw no chance of saving the vessel; upon which the first engineer, procuring his pistols, said, "The first man that goes up that ladder," meaning the ladder leading from the engine-room to the deck, "I will blow his brains out." It was owing, it was said, to that circumstance and to the energy of the captain, that the vessel was brought back to Plymouth. He did not know much of shipbuilding, but he did not think that a regiment could have been conveyed to India in such a vessel.

MR. AYRTON said, a great deal of dissatisfaction was expressed last Session at the manner in which the East India Company hired transports, and he was then induced to moved for a return on the subject, but that return had not yet been laid on the table, which was much to be regretted, as it was only in that way that the House could form a just opinion on the subject.

MR. HUDSON wished to know from the First Lord of the Admiralty whether he, in his official capacity, had had any knowledge of the facts just detailed by the hon. Baronet?

SIR CHARLES WOOD said, that the vessel had been taken up by the East India Company, and the Admiralty had no knowledge whatever of vessels so taken up. He had not heard the facts referred to till they were stated to the House by the hon. Baronet who had just addressed them.

Motion *agreed* to.

Copy *ordered*—

"Of the Reports of the East India Company's Surveyors upon the Screw Steam Ship 'Austria,' upon which she was engaged for the conveyance of Troops to India; together with Copy of the Ship's Register."

LIGHTHOUSE AT GODREVY BAY.

PAPERS MOVED FOR.

MR. A. SMITH moved, That there be laid before this House copies of the following communications between the Board of Trade and the Trinity House, relative to the erection of a Lighthouse at Godrevy, in St. Ives' Bay:—from the Trinity House, dated July, 1855; Report of Deputy Master and Committee of Elder Brethren, dated 3rd July, 1855; from Board of Trade, September, 1855; from Trinity House, 29th September, 1855; Extract of a Letter of Captain Williams,

27th August, 1855; Report of Mr. Walker, 3rd October, 1855; from Trinity House, 13th September, 1856; Petition from St. Ives, October, 1856; from Board of Trade, 28th November, 1856; Estimate for Stone Lighthouse on Godrevy Island, 4th March, 1857; and Particulars of Tender proposed to be accepted for the same, September or October.

MR. LOWE said, that in order to prove a case which he wished to establish, the hon. Member only moved for a portion of the documents relating to this Lighthouse. Fault was found with the Board of Trade for not sanctioning the erection of a Lighthouse on Godrevy Point instead of on a certain shoal near it; but in arriving at the conclusion which they had adopted they had acted on the advice of eminent engineers; besides which, the expense of the Lighthouse they had sanctioned would be only £8,000, while one on the other proposed site would cost £250,000. He had no objection to produce all the papers if the hon. Gentleman would be satisfied with that.

Motion, by leave, *withdrawn.*

Copies *ordered*—

"Of Communications from or to the Board of Trade on the one hand, and the Trinity House or any other person or persons on the other, on the subject of the erection of a Lighthouse on Godrevy Island, in St. Ive's Bay, together with their enclosures."

LIGHTS ON SAILING VESSELS.

In reply to Mr. BUTT,

SIR CHARLES WOOD said, that it was proposed by the Admiralty, in accordance with the recommendation of a Committee which sat this year, to issue an order requiring sailing vessels to carry a white and red light on each side as was already required in the case of steam vessels.

House adjourned at half after Four o'clock till Thursday, 4th February.

HOUSE OF LORDS,

Thursday, February 4, 1858.

MINUTES.]—1ª Libel; Bishop's Trusts Substitution.

LIBEL BILL.

LORD CAMPBELL *presented* a Bill further to amend the law respecting Libel. It proceeded on the Report of the Select Committee of their Lordships' House which sat in the last Session of Parliament, and its object was to carry into effect the recommendations of that Committee. It would give, in the first place, immunity to all correct accounts of the proceedings of both Houses of Parliament, which should take place when strangers were admitted; in the second, it would give immunity to all faithful accounts of lawful public meetings, where no loss or damage had been done by the publication; and, in the third place, it would contain a definition of what should be considered a public meeting assembled for a lawful purpose.

Bill read 1ª.

THE BANKRUPTCY LAWS.—QUESTION.

LORD BROUGHAM wished to ask his noble Friend on the woolsack whether it was his intention to propose any amendment in the Bankruptcy Laws, which were at present in a most anomalous condition?

THE LORD CHANCELLOR said, the subject was under the consideration of the Government, and a Bill had been prepared in reference to it, and was actually printed; but at present he did not like to say more upon the subject, as he believed differences existed between his noble and learned Friend and himself with respect to what amendments were desirable.

THE STATE OF PUBLIC AFFAIRS.

EARL GRANVILLE moved that the House do now adjourn:

THE EARL OF DERBY: My Lords, I am certainly surprised at the Motion which has just been made by the noble Lord. My Lords, considering that this is virtually the commencement of a new Session—considering that we have not before us that summary of the state of public affairs which is presented in the shape of a Speech from the Throne at the beginning of a Session—considering that two months, or nearly so, have elapsed since we last met in this House, and those months not unmarked by memorable events,—I certainly should have thought that on now meeting again, virtually on the commencement of another Session, Her Majesty's Government would have felt it their duty to volunteer a statement to this House somewhat more explicit than was given on a former occasion with regard to their intentions on various important matters. I had thought it was their duty to advert to the present position of affairs both at home and abroad.

in which, although undoubtedly there is some amendment since we last met here, there is still much to exeite the gravest apprehension and to call for serious and anxious consideration. It is true, my Lords, that for the moment the monetary crisis, which was the ground assigned for the meeting of Parliament in December last, has past away, that there has been a most extraordinary revulsion in the money-market, that the state of the Bank now presents a remarkable and almost unparalleled contrast to that which it assumed at the period when we last assembled in this House, and that the sudden and extraordinary alteration in the rate of interest and discount affords grounds for the serious and anxious consideration of Parliament. Undoubtedly, my Lords, the monetary crisis has passed away, and there are symptoms of great improvement in the commercial and manufacturing districts of the country; but up to the present time the labouring classes and operatives in those districts have suffered and are still suffering the most severe distress and privation, and it would have been cheering to hear some hope held out by the Government to those to whom it is but justice to say they have borne this calamity throughout with a patience and a dutiful submission that reflect the highest credit on them. But, my Lords, when we look to the state of our foreign affairs I must say that, although we have been relieved from those immediate apprehensions which were painfully entertained by every one of us with regard to the garrison of Lucknow, the aspect of affairs in India, although undoubtedly improved, still continues threatening and menacing in the highest degree. We have had to rejoice over victories and successes achieved over the enemy by comparatively small numbers of men—we have had to rejoice over the gallantry and endurance and almost superhuman efforts of our troops on repeated occasions—and we have had many other causes for congratulation afforded by the conduct of our brave army in India; but all these were, to a certain extent, marred by the deep feeling of regret that, to the long list of heroes who have fallen in their country's cause we had to add the name of that illustrious man who unhappily died in the hour of victory, and died, too, without the gratification of knowing the honours which a greatful country had conferred upon him, or hearing how his country appreciated his brilliant and heroic achievements. My Lords, I believe that when the news of this painful event arrived there was not a heart in England that did not feel it to be a subject for private as well as public mourning. My Lords, while we speak of him and of the many that have fallen, let me, however, speak of the many that remain; and I think it is but due to them and to ourselves that we should take the earliest opportunity of expressing our deep sense of the great exertions, the signal valour, the happy mixture of exemplary prudence and distinguished talent, and the military skill which have characterized the victories of the gallant veteran Sir Colin Campbell. My Lords, it is not too much to say that that gallant officer's recent achievements have vindicated, if not raised the high reputation which this country formerly enjoyed in our Indian empire. But, my Lords, I pray you to look even now, in the midst of our partial successes, at the position in which we are still struggling in India. Do not flatter yourselves that you have succeeded in putting down the revolt. You have achieved great successes; you have scattered the troops that have appeared against you—wherever you met them you scattered them—but you have still before you a task of unparalleled magnitude, and most inadequate means with which to accomplish it. At this moment I do not believe Sir Colin Campbell, for any one distinct operation, could muster 10,000 men under arms; and I am morally certain that nearly double the force now in India would not be too much to enable us to re-establish our empire there, and to restore peace. Now, I say, with inadequate means, even numerically, you have to accomplish this task; but I must call your Lordships' attention to the manner in which this number is maintained in India. I have heard more than one officer state it as his distinct opinion that the successes which we have achieved in India would have been doubled, trebled, and even quadrupled, if we had had at a sufficiently early period an adequate amount of cavalry to make good what the infantry had commenced, and so far as in them lay accomplished. But although on every occasion the infantry fought against an unheard-of disparity of numbers, and gained victories against those numerically superior forces, still at the last moment—in the hour of victory—there was no cavalry to pursue the fugitives, and so completely vanquish the rebel army. My Lords, we see the effects of this. One day we are told that all the

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guns of a certain enemy have been captured, but in a few days more we receive the report of the capture of more guns than the same enemy was said to have had in the first instance. We are told one day that the enemy had twenty-one guns; we next read of the capture of twenty-seven; and in a few days more we are informed of the capture of the "remainder of the guns." This question of cavalry and horses for the artillery was constantly pressed on the attention of the Government by my noble Friend on my right (the Earl of Ellenborough). Now, what have been sent out? You have sent out a considerable number of guns, which are perhaps the things least wanted in India, but you have not sent out well-trained gunners, for you had them not; nor have you sent out horses or harness, and the consequence is that your guns are utterly and entirely useless. I well recollect my noble Friend (the Earl of Ellenborough), when Her Majesty's Government announced their intention of sending out artillery, pressing the question whether their horses were to be sent with them; but no answer was given to that inquiry; and I have been told that to such straits are you reduced in India for the want of horses that a number of three-year old unbroken mares have been taken into the service from the breeding stud of the Company. Again, I would beg the earliest attention of your Lordships to the necessity of keeping up a continual stream of reinforcement of the small army now in India. Now, even to maintain that army on its present footing would require 1,500 men a month, or 18,000 a year. I do not believe you are raising recruits at that rate, and the men you are sending out are raw recruits, mere boys, upon whom disease will commit frightful havoc when they first land in India. Now, I do earnestly entreat Her Majesty's Government to take this question into their earnest and immediate consideration, to strip this country of all the available force it possesses, and to intrust its own defence at home to its militia, the whole of which they have been repeatedly entreated and implored to embody. My Lords, if I thought the embodiment of the whole militia would interfere with the recruiting for the army I should be the last person to recommend such a course; but it is, in my belief, the best mode of providing for the internal protection of the country, and would enable you to send out, not raw boys, but trained men to reinforce the army in India. There is another point to which I would ask attention for a single moment, and that is to repeat a suggestion which I ventured to offer to your Lordships during the Crimean war—namely, that I firmly believe if due encouragement were given and proper steps taken you might without difficulty raise for the service of this country five or six regiments among our colonial possessions. Your Lordships must understand that I do not mean regiments for colonial service merely. I believe that in the North American colonies, and possibly in the Australian colonies, you may find men perfectly willing to form corps for the general service of this country, provided they were to be all officered as well as manned from the colony in which they were raised, and provided also that they are placed in all respects on the footing of the British army, and differ in no respects from the regular forces of the Crown, except by a system of relief by which they would be permitted to have their period of home service in the colonies in which they were raised, instead of in this country. I do not know whether the suggestion was worth anything or not, but we certainly are in such a state of circumstances that it is necessary for us to provide for our home defences, and not to strip needlessly this country of all troops in order to give to our army in India those reinforcements which are so requisite for the duties it has to perform. Well really, my Lords, it makes one angry to think that at the moment when we are suffering from the disorders in India, when we need the services of every man that can possibly be spared for that country, there are fifty ships, with 560 or 570 guns and a considerable number of seamen and soldiers, idling, and worse than idling, in that other miserable war in which we are engaged in another quarter. I confess that I look upon that war with more apprehension than even I do on the state of India, because I do not see the end to which we are driving, or, indeed, any end that can by possibility be attained. Here we are in the midst of two wars, for neither of which had we made the slightest preparation, one of which took us absolutely by surprise, and the other has been brought on by the intolerable absurdity of our own Government, and yet we are wasting our forces in two distant parts of the globe, while in neither have we a sufficient force to carry into effect our avowed intentions. We were told when

we last met that Lord Elgin was going to Pekin to negotiate direct with the Emperor, supported by an armed force ; but it now appears that that idea has been abandoned, and it was intended with the small force we have at present in the Chinese waters to attack the vast and populous city of Canton. I think it very likely that attack will succeed, and that we may destroy the city ; but when we have done that we shall not, I apprehend, be one whit nearer to the attainment of any of our objects in China. Indeed, we shall be further off, for if we take possession of Canton, we must hold it, and to hold it, even if we have no ulterior objects, we shall have to provide an amount of force which we can very ill spare. By taking Canton we shall not have advanced towards the settlement of the Chinese dispute, but our destruction of a great and populous city may create a reaction against us, and excite feelings which may lead to our expulsion, eventually, from the other ports of China. And to carry on this miserable war we have been obliged to withhold the means of successfully operating in India, and to cripple the home defences of the country. My Lords, there is another and a very different subject, upon which I certainly expected Her Majesty's Government would have said something upon the present occasion. It cannot be denied that the recent atrocious attempt to assassinate the Emperor of the French has produced in France a most painful feeling with respect to this country. It cannot be denied either that accusations have been made against us, utterly unfounded, indeed, but which the malice of the enemies of this country in France have deeply impressed upon the minds of that susceptible people. I allude to the use of language and the utterance of sentiments, which, undoubtedly, if they proceeded from parties entitled to our respect, would go little to conciliate good feeling in this country, considering the position in which we now stand. It is not in France alone that extraordinary language has been used. We had a specimen of some rather curious oratory, from so distinguished a personage as the First Lord of the Treasury, some time ago; and in the use of dignified bluster we find persons in France who have equalled, if not surpassed the noble Viscount himself. But I do not think that the imprudent and disgraceful language which has been held upon this subject should induce us to shut our eyes to the fact that these accusations,

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however unjust, and these imputations, however unfounded, may have the effect of alienating from the people of this country the friendly regards of a considerable portion of the population of France, and I think that the earliest opportunity ought to have been taken by Her Majesty's Government to disabuse the minds of the people of that country, and to explain to them the real state of what is called popularly the refugee question. My Lords, if there is one offence which is utterly revolting and repugnant to the feelings of every Englishman, if there be one crime that is looked upon with universal abhorrence in this country—if there be one crime the perpetrator of which is shut out from all hope of sympathy and protection from any human being in this kingdom, and in regard to which crime, the moment it is committed the sympathy of every man, woman, and child, is on the side of justice, and for the conviction of the offender, it is the crime of secret assassination. My Lords, I am convinced that to any man with an English heart to whom a proposal should be made to get rid of even his bitterest enemy by means of secret assassination, the first impulse would be to strike to the earth the man who proposed so base a crime. But when the offence is not to be committed against a bitter foe, but against one who has proved himself to be a firm friend of this country, one whose life I do not hesitate to say is of infinite value and vital importance to the friendly relations between this country and France, as well as to the maintenance of peace and good order throughout Europe, then the crime is of still greater atrocity, especially when the assassins in their eager recklessness to destroy the object of their enmity, do not hesitate to sacrifice the lives of a concourse of unoffending spectators and imperil the innocent wife of the man against whose life they are aiming—then. I say, the feeling of indignation against the cowardly crime of assassination which is ever raised in this country is on this occasion of no ordinary character ; but that crime excites a tenfold deeper indignation when perpetrated under circumstances such as these. It makes the blood of an honest Englishman boil to find that any one is so deluded, so infatuated, so embittered by hostility to this country as to be persuaded into a belief that Englishmen, forsooth, connived at and sanctioned such an atrocity. Undoubtedly, there are persons in France who have used language

in reference to this country which deprives them of the right of asking for any explanation from us in respect to our conduct; but, my Lords, I do not think it a matter of indifference that there should be a want of friendly feeling between the two countries through the want of a clear apprehension of the state of our affairs—I do not say between the Governments, for that I do not believe, but between the people of the two countries. With regard to the late most lamentable and most disgraceful attempt, I say that under no circumstances could any charge of a want of due precaution or watchfulness be sustained against this country. Admit for a moment—which I never can—that it was the duty of this country to drive from our shores men who might be suspected of entertaining hostile intentions towards foreign Sovereigns; still, even with that admission, I venture to say that the most rigid enforcement of any law would not have enabled us to interfere with the chief conspirator while residing here. What was Pierri? He was a man who for some years had been living at Birmingham as a peaceful citizen, earning his livelihood by the honest pursuit of a teacher of languages; he was not known to belong to any dangerous conspiracy, nor to be mixed up with any one engaged in secret plots. As long as Pierri remained in Birmingham he was perfectly safe and inoffensive—neither the object of suspicion nor of danger. But then it has been said, "Why did you allow him to leave Birmingham and go to France?" My Lords, it was no part of our business to prevent him; we are are not to perform the office of gaolers. In this country every man is free to go and come when, where, and how he pleases, as long as he is guilty of no offence against our laws. But I must say if any lesson is to be drawn from the manner in which the late abominable attempt became so nearly successful, and was only baffled by a special interposition of Providence, that lesson demonstrates most fully the utter inutility of the vexatious system of passports. It has long been the rule at the Foreign Office of this country only to grant passports to our own subjects. The danger arising from Pierri arose, not from his presence in England, but from his landing in France. How did he obtain the means of getting there? Why, my Lords, he obtained a passport to enter Belgium, not with the connivance or assistance of the British Government, but, I believe, with one signed by the French Vice Consul in Birmingham. Well, he proceeded to Belgium, and, I believe, the police of that country, who knew him, gave notice to the French Government that he was in Belgium and on his way to Paris. To Paris he went, and there, and not in Birmingham, he remained for a week completing his arrangements for the meditated crime, and employed in consultation with his coconspirators. The plot might have been devised in England, but in the French capital it was carried into execution—and carried into execution, too, by persons who had arrived there by means of passports furnished to them by a French Vice Consul, and who conducted their proceedings in the very face of that which we have been accustomed to regard as a most vigilant and active police, but which we must, I think, now consider to be a body upon which no great credit is reflected by the circumstance that they permitted this atrocious attempt at assassination to reach a point so fearfully near to success. So far as the case of Pierri is concerned, therefore, I maintain that whatever may be the state of the law in this country there was no neglect upon our part, and that we had it in our power to take no step which could afford to the Emperor of the French that security which I think he had a right to expect from the exercise of greater caution upon the part of his own Vice Consul in the granting of passports, and from the vigilance of his police. Passing for a moment, however, from this individual case, I think it my duty frankly to state that it is perfectly well known that there are in this country men who entertain the most dangerous designs. It has, nevertheless, my Lords, at no time been the policy of England—and I hope it never will be—to punish men for mere designs and intentions unaccompanied by any indications of action, and the existence of which is unsustained by any producible evidence. There are many foreigners who are here certainly not in accordance with our desire, some not even in conformity with their own wish, but because they have no other resting place for the soles of their feet; and those men do, no doubt, consult and combine together with the view of carrying into effect projects the most dangerous and the most criminal. So long, however, as they go no further than the forming of mere projects ou laws are somewhat jealous of any inter-

ference taking place in their regard. But it would, my Lords, be idle to endeavour to conceal from ourselves that it has been sought to convey to the sensitive minds of the French people the impression that such persons as I have described are kept here as it were in the leash, under the guardianship of England, to be let loose at any moment at which our Government may feel disposed, for its own objects, to create political disturbances in other States. Now, my Lords, I cannot but deem it right that, under these circumstances, the people of this country, as well as of France, should be undeceived, and should be made aware of the real position in which matters stand. I repeat, then, in the presence of my noble Friend the Secretary for Foreign Affairs, that there are in England men who entertain those dangerous designs to which I have adverted. I go farther, and assert that those men are known to, and, so far as our repugnance to any system of *surveillance* will permit, are under the observation of the police. I must, however, add that, so far from its being true that we keep those men here for the purpose of plotting against the lives of foreign Sovereigns, it has at all times been considered the bounden duty of the Government of this country, if any such dangerous designs came to its knowledge, to give the Sovereign whose life may in consequence be endangered the most timely warning, so that he might be placed upon his guard against those criminal machinations. I will, moreover, venture to express it as my positive conviction that the Emperor of the French has, upon more than one occasion, been mainly indebted for his safety to the friendly intimation which has been conveyed to him of the dangerous designs of persons such as those whom we are now charged with harbouring for the purpose of instigating them to the commission of the most heinous of crimes. I think it is but right it should be known to the French people that such men are watched by the Government of England; and that, so far as the laws of the country permit us to go, their nefarious designs are counteracted by the vigilance of a police which, although it may not make so much noise, is, I believe, fully as effective as the police of France. I also deem it right that Her Majesty's Government should seize upon the earliest opportunity to give expression to the views which they entertain upon this subject, inasmuch as it is one with regard to which a great deal of misapprehension, calculated, if not removed, to do mischief, prevails; and, inasmuch as it is one to which public attention has of late been very earnestly directed, I think it is of the utmost importance that we should hear from Her Majesty's Ministers, without delay, whether they intend to take any steps in consequence of the atrocious attempt which has just been made upon the life of the French Emperor—any steps which, even though they should afford no effectual security for the protection of the lives of foreign Sovereigns, may serve at least to indicate the goodwill towards France which exists upon the part of the English people, and which may show that we are prepared to do everything which may fairly be expected at our hands. Now, my Lords, I say without hesitation that, not for the security of the Sovereign of France, or of all the Sovereigns of Europe twenty times over, would I consent to violate, in the slightest degree, that sacred right of asylum to foreigners by which our history has always been characterized. Of the advantages of that asylum men of all political shades of opinion have ever freely partaken. By many of them it has, I regret to say, been most shamefully and ungratefully abused; and I do not hesitate to add that such men are guilty of a serious crime against the world, and against humanity, inasmuch as they imperil by the suspicions which their conduct raises against her, the land which, in the hour of their distress, has held out to them—and which holds out to all who are similarly situate—a place of refuge and protection. But, not because of the crimes of those people, nor because of any consequences which may flow from them, would I for one consent to destroy, or even to relax, that privilege of asylum which England affords to all those who do not act in direct disobedience to her laws. There is also another measure which I am sure no Government would propose, and which, even if they did, I feel convinced no Parliament would sanction—that is, that any man should be punished upon mere suspicion or notoriety in this country, and not upon evidence brought against him in the face of day. If, my Lords, the people of France are unreasonable enough to expect such a sacrifice of feeling and constitutional principle upon the part of the English nation, they are lamentably mistaken; and, however I may regret that illwill should for a moment be engendered between them and us, all

such considerations must yield to the preservation in its perfect integrity of that vital principle to which I have just referred. But, while I maintain that no person ought to be punished in this country except upon clear evidence of his guilt, I am disposed to think it is a question well worthy of the attention of the Government how far the laws at present in existence can be put in force for the prevention of offences of the heinous nature to which I have been alluding. I do not presume to express any opinion as to the specific measures which may be introduced with the view of striking somewhat more of terror into the minds of the persons by whom such crimes are contemplated, and for the purpose of making manifest to the sensitive people of France the sincerity of our expression of goodwill in their regard ; but I may nevertheless give utterance to the hope that her Majesty's Ministers may be able to see their way to the framing of some law which may prove effectual for the suppression of those attempts at assassination while it does not infringe upon the vital principles of the constitution. To the enactment of such a measure as that Parliament would, I feel assured, be prepared to give a cheerful assent. Now, my Lords, I thought it expedient as a member of this House wholly unconnected with the Government—Her Majesty's Ministers not having deemed it to be their duty to offer any expression of opinion upon the subject—to seize this the first opportunity which presents itself to advert to the late atrocious attempt upon the life of the Emperor of the French, and to state the views with respect to it which I entertain. I feel a deep interest in the continuance of the life of that monarch, and I attach the utmost importance to the maintenance of a good understanding, not only between the Sovereigns of England and France, but between the people of the two countries. It is, in my opinion, of the greatest moment to France that her present ruler should long remain at the head of her Government—a Government of which I will say nothing more than that I believe it to be that which at the present moment is best suited to the feelings, the habits, and the opinions of the French nation. These being my sentiments, I deemed it desirable that I should do all that in me lay to remove any misapprehension or misconception with respect to England from the minds of the people of that country. I am also anxious to learn from Her Majesty's Government how far they concur with me in the general principles which I have just laid down. I do not ask them to pledge themselves to any particular measure. I simply seek to know how far they are disposed, notwithstanding the imprudent and irritating language of those whose conduct well merits, if we were inclined to retaliate upon them, that we should refuse to take any steps whatsoever for the prevention of those plots for the future—how far, I say, they are disposed to afford every possible security for the protection of the lives of foreign Princes against the abominable crime of assassination. I should be glad to hear that Her Majesty's Ministers are prepared to declare whether the existing laws are adequate to that end, and, if not, whether they might not be so amended as to meet, wholly unconnected with any political consideration whatever, such a crime as that of which I have been speaking—a crime so heinous in itself, and so revolting to every feeling of humanity.

EARL GRANVILLE : I can imagine nothing which would have more surprised your Lordships, or be more contrary to all precedent, than for a Minister to rise immediately upon the meeting of the House after an adjournment of two months, and make a general essay upon matters political. I shall therefore only touch shortly upon some of those points upon which the noble Earl opposite thinks that I ought to have given some explanation to the House. First, with regard to the monetary state of this country :—it really appears to me that it would have been a most extraordinary intrusion on my part—considering we met before Christmas to discuss this question, considering, too, the great improvement which had taken place in monetary matters before we separated, and that that improvement has continued up to the present moment—had I started up the moment we reassembled, either to give any opinion of my own as to banking, or to state facts which are probably notorious to every one in the House. The noble Earl opposite has expressed surprise that I did not anticipate my noble Friend (Lord Panmure), who one minute before had given notice that no later than Monday next it was his intention to move a Vote of Thanks to that army on whose brilliant feats and whose claims to the gratitude of their country not only he, but every noble Lord in this House, will then have an opportunity of expressing an opinion. It would have been childish in me as well as im-

proper, to anticipate the task which will fall upon my noble Friend. Next, the noble Earl thinks I ought to have imagined the attacks which he was about to make upon the Government in regard to the way in which matters have been conducted in India. My Lords, when the proper time comes my noble Friend (Lord Panmure) will be able to enter into all the details touched upon by the noble Earl, and will show, I hope satisfactorily, that we have not been remiss in sending our troops, that we have not been remiss in furnishing the means of reinforcing those troops in the field, and that even with regard to the great difficulty known to exist in the supply of horses, the orders sent out from here and the exertions of the authorities in India have overcome that difficulty to a much greater extent than could possibly have been expected. Respecting such small details as the want of harness, I believe my noble Friend will be able to show that the statement of the noble Earl opposite is exactly contrary to the facts. But I will not trouble the House by dwelling upon all the small matters of detail into which the noble Earl entered. Then your Lordships were told that we are at war with two countries, though, as he said, we were perfectly unprepared with the means of carrying on war with either. Now, really with regard to India, to say that we were not prepared for that war is to make a perfectly unreasonable accusation. Was anybody prepared—could anybody have been prepared—for the Indian mutiny? As to the Chinese war, I utterly deny the fact that we were unprepared. Subsequent experience has shown that, so far from not having been sufficiently prepared, the actual preparations made were, we have reason to believe, greater than would have been sufficient. The force originally intended for China was diverted for the purposes of India, and yet, at this moment, without, I believe, drawing on the resources in our hands for the prosecution of the war in India, we hope (though that question will be settled by the event) that we have in China a force quite strong enough to carry out the objects we have in view. But the noble Earl says our policy there is all wrong. It may be; but it has been debated in this House and in another place; it will be a fit subject for debate again and again; it was discussed by the two principal parties in the State, and the question after that debate was referred to the country at large, who gave the most triumphant verdict in favour of Her Majesty's Government. Does the noble Earl pretend that, after such a verdict from the country, the Government who inaugurated the policy in question would have been justified in retreating entirely from it? Does he pretend that we should have been justified in leaving the points of dispute *in statu quo*, and in remaining passive under the insults offered us, no compensation of any kind having been given for the outrages which have been committed? Then the noble Earl passed to another subject. He professed some surprise that I had not alluded to an event of great importance—namely, the late attempt made on the life of the Emperor of the French. Now, it certainly would have been a most agreeable task either for me, or for any one of us on this bench, to take the very earliest opportunity to express our abhorrence, not only as members of the Government, not only as members of this House, but as Englishmen, of attempts such as these to obtain political objects by that most dastardly of all crimes, assassination. It would have been equally agreeable to us to express our joy and satisfaction that, although, unfortunately, many individuals were either killed or hurt by this most nefarious attempt, the lives of the Emperor and Empress were saved, as the noble Earl said, by almost a miraculous interposition. But, my Lords, I believe it would have been a course entirely unprecedented for me or any other Minister to start up and make such a declaration at this time, without absolutely any question being before the House. The noble Earl also thought we might have given some statement of the course which the Government is ready to take with regard to what has passed in France. Now, certainly no one can regret more than we do some of those intemperate addresses, founded on a total misapprehension of the feelings of the people of this country, which have been issued by officers under the excitement caused by seeing their chief's life attempted. I might, perhaps, express some regret that any publicity has been given to these addresses. But I do feel, as I am sure every one must feel who has calmly reflected on the subject, that it would be perfectly unworthy of a great nation like this, on account of intemperate expressions which may have emanated from parties in another State, not to have taken that course which they thought right abstractedly, apart from all other considerations.

Earl Granville

I am glad to hear from the noble Earl so clear a statement of his views as to the impossibility of this country ever giving up those rights which are so dear to us as Englishmen—that right especially, which is our boast and our pride, of offering a refuge and hospitality to persons of all countries, whatever their political or personal opinions may be. Still more impossible, and still more criminal would it be, I think, for any Government to propose measures which tended to abridge the personal liberty either of Englishmen or of foreigners who have the happiness to live in this country. If, however, as the noble Earl remarks, by an examination of our laws, which we had always flattered ourselves were sufficient, any defects are found, I say it is our duty as soon as possible, to attempt to remove those defects. It is not usual in one House to give notice of any measures which are likely to be originated in the other; but I may, perhaps, take this opportunity of informing your Lordships that a measure on this subject will be brought into the other House of Parliament without delay—indeed, I am informed that notice of its introduction has already been given, and that the Bill will be brought forward on Monday next. Of course, it would be improper in me to give any statements of its enactments; but I trust that this Bill will be found to meet all the requirements of the case. My Lords, although, perhaps, the attack just made upon us was a little gratuitous, I can only express my gratification that it has given to the noble Earl opposite an opportunity of stating certain principles with regard to our laws on this subject, in which I fully concur; and of expressing his resolution—in which I am sure all Englishmen will agree—to surrender none of our rights and privileges, while, at the same time, we will take all means in our power to prevent the dastardly crime of conspiring to assassinate or murder.

THE EARL OF MALMESBURY: My Lords, I confess that I, like my noble Friend behind me, was surprised at the apparent intention of the noble Earl opposite to dismiss the House on this the first night of their meeting after the adjournment in solemn silence, without at all enlightening your Lordships as to the business which is to be brought forward in this Session of Parliament, which appears to me to be fraught with as many important topics for discussion as any to which we ever looked forward. I am not now going to waste the time of the House by re-opening the China question, although I must say that I am quite ignorant of the new Parliament having at any time expressed any opinion upon the China war. The noble Earl (Earl Granville), said, that a verdict in favour of that war had been given by the country. I challenge him to tell me on what day and in which House of Parliament any opinion has been given by any majority of either House in favour of that war. But if I know and can at all appreciate the good sense of my countrymen, I may infer that, looking to the state of affairs in India, and to the great want of troops both there and at home, both the Houses of Parliament and the country besides would be heartily glad if we had never entered into the contest with China. In submitting to your Lordships the several topics of great interest likely to be discussed, my noble Friend (the Earl of Derby), I think, forgot one inferior to none of those which are likely, during the present Session, to occupy the attention of Parliament. I should like to know whether it is true, as is so reported, that it is the intention of the Government completely to abolish the double government of India, and to bring in a Bill for the alteration of the government of that country without delay. I cannot of course go into that question now; but if such is the intention of Government, I must say that I deprecate with all my might and power the policy they are prepared to pursue. I cannot conceive anything so dangerous as at the present crisis—in the middle of a rebellion which is only half suppressed—to meddle with the government of that great empire. I do not mean to say that that Government requires no reform, or that the double government is better than any other system which could be adopted; but I contend that it is most foolish and fatal to bring forward a new scheme of administration for India when that country is disturbed from one end to the other. If one of your Lordships' houses were in flames, would you, before the fire was extinguished, send for an architect to plan a new building? And yet that is very much like what it is said Her Majesty's Government intend to do. I hope to hear that the rumour is unfounded as to the time at which they are to be carried into execution, if not as to the ultimate intentions of the Government. While I am upon this subject, I wish to say that I was

not a little astonished at a statement which appeared yesterday in *The Times* newspaper, emanating from the Indian Fund Committee, and declaring that no mutilations of women had taken place during the recent outbreak in India. I wish that such were really the case; but I cannot understand what can be the object of the announcement to which I refer. If the statement were true, it only amounts to this—that after committing every possible atrocity, and inflicting every possible torture, the Sepoys had the humanity to put an end to the existence of their victims, instead of leaving them to live in the miserable condition to which they had been reduced. If, however, the statement is not true—and it is not true—its only effect is uselessly to inflict another bitter pang upon the relations of those who have been the victims of Sepoy cruelty. If any of your Lordships doubt that the horrible mutilations which have been described have taken place, I may state that I am in a position to give them privately references to authorities who will satisfy them that such atrocities have been committed; and I am quite ready to afford the same information to any members of the Committee of the Indian Fund. I can only say that if the Governor General of India or others who are near him are ignorant of these acts, and have stated by letter or otherwise that such occurrences have not taken place, they have been grossly deceived. It requires very little knowledge of human nature and of woman's mind to enable one to understand that persons of high authority in Calcutta, or the Committee of the Indian Fund, are the very last persons to whom unfortunate ladies who have been subjected to mutilation are likely to appeal for assistance. It is, in fact, the knowledge of the cruelties and indignities which have been inflicted on our unhappy countrywomen which have nerved our soldiers with that superhuman strength to which my noble Friend has referred. It was no dry sense of military duty, no mere aspiration for military glory, which gave Havelock and his gallant soldiers that irresistible power which enabled them to defeat overwhelming numbers; it was the fierce and passionate conviction that they were the delegated avengers of the wrongs committed upon their unfortunate countrywomen.

Earl GRANVILLE stated, that it was the intention of Her Majesty's Government to bring in a Bill for the better Government of India.

Lord PANMURE: As the noble Earl opposite (the Earl of Derby) seems to have been so much misinformed with regard to the manner in which reinforcements have been sent out to India, I think it right that his statement should not go forth without some explanation from me. It is quite true that the first detachment of artillery sent out to the East Indies were sent without their guns, without their horses, without their harness. I was myself struck with the manner in which it was proposed to despatch this force, and I sent to the Court of Directors to learn whether, when artillery were demanded by the Company, as by law they might be demanded, and were sent out without equipments, the Company were ready upon their arrival in Calcutta to furnish them with guns and horses, and to equip them for the field. The answer I received was that everything would be prepared. By the time the next detachment was demanded the Court of Directors had found out, I presume, that their stores were not in the state they had expected, and the artillery then sent out were not only supplied with guns, equipments, and harness, but to every gun I sent out a double set of harness, in order that a supply of harness might be provided for any guns that were found serviceable in India, but for which there might be no harness there. Yet the noble Earl states deliberately and publicly, without having taken pains to ascertain the fact, that the artillery were sent out from this country without guns and equipments. Then, with reference to the troops sent out to supply the vacancies in the various corps, I may state that in the artillery force there was not a man who was not a well-trained soldier, and no recruits were sent out to the regiments of the line who had not so far advanced in their training as at least to have gone through a course of practice with the Minie rifle. Indeed, I may tell the noble Earl that the recruits recently sent out to India are as far superior as it is possible to conceive to the recruits furnished to the Duke of Wellington during the great wars he carried on in the Peninsula. The noble Earl has complained that horses were not sent out to India; but I think, upon a little reflection, he will see that the risk of sending horses from this country, either by the long voyage round the Cape or overland by Alexandria and Suez to Cal-

cutta, would have been very great. We were not, however, indifferent to the importance of providing horses for service in India, and I must do the Court of Directors the justice to say that they, as well as their officers, in all directions exerted themselves to the utmost to procure a supply of horses, and that their efforts were attended with a degree of success which had not been anticipated. Indeed, it is probable that a sufficient number of horses will be obtained from the Cape, from Australia, and from the countries adjoining our Indian possessions, to mount the cavalry we have sent out. I may add also that no demand has been made by the Court of Directors upon Her Majesty's Government or the military authorities for reinforcements which has not been immediately complied with. There is at this moment a constant stream of 1,000 recruits per month flowing into India; and if that addition to our force should be insufficient I believe the recruiting service is in such a satisfactory state as to enable us even to increase the number. Under these circumstances I thought it right to address a few words to your Lordships merely with reference to the condition of our army in India. The noble Earl has referred to a suggestion he made to the Government, but of which I have no recollection, that steps should be taken for raising regiments in our colonies. I may state, however, that we are at present engaged in raising a regiment in Canada, to be called the 100th Regiment, and to be added to the regiments of the line; and I have sent instructions to the governors of our colonies to enlist in the service of the Queen all British-born white subjects who may be willing to serve in India.

THE EARL OF DERBY inquired whether it was intended that these regiments should not only be raised in the colonies, but officered by colonists? That was a point of the greatest possible importance as regards the connection between the colonies and the mother country.

LORD PANMURE replied that it was intended that such regiments should, to a great extent, be officered by colonists.

EARL GREY: I have heard with great satisfaction the explanations of the noble Lord (Lord Panmure), and I am glad to find that Her Majesty's Government are alive to the extreme importance and the great difficulty of meeting the demand for men to maintain the strength of our forces in India. For my own part, I have not the information which would enable me to express an opinion in favour of or against the arrangements they have made; but I confess that, so far as I am at present informed, I must differ from the noble Earl opposite (the Earl of Derby) as to what he said with reference to the embodying of our whole militia force. My belief is that the embodied militia act directly as competitors with the line in the matter of recruiting; and I think my noble Friend the Secretary for War would take a wise course if he would endeavour to dispel the misapprehensions which, in my opinion, exist on this subject by allowing a Committee of this House to inquire how far the militia were serviceable as a means of recruiting the army during the late war with Russia. As far as I am able to form an opinion from an examination of the papers laid before this House, I entertain a very strong conviction that if such an investigation were made it would be found that during the late contest with Russia the militia proved the most expensive and inefficient mode of raising men that could possibly have been adopted. Whatever may be the arrangements of the Government, there can be no doubt that the noble Earl opposite is right in contending that this country will have great difficulty in meeting the demands for men which will be made upon us from India; because we must not suppose that for a very considerable time to come we shall be free from continual demands for the maintenance of our forces in that part of the world; and I must repeat the opinion expressed by the noble Earl, that in such a state of things it was as impolitic as I deem it to have been wrong and immoral that we should have plunged into a new war with China. I can conceive nothing more mischievous than beginning at such a moment a contest in that country, of which no man can foresee the end; because, as the noble Lord truly observed, assuming Canton to be taken, then your difficulties only begin. Are you to hold Canton? If you do so, here is another drain of men opened, and we know that there is no station in the whole world in which British troops suffer so much as in China. I can state from my own knowledge that during the former Chinese war, and during the period we have occupied Hong Kong, that no climate in the world, not excepting that of the West Indies, causes, taking the whole year round, such a consumption of men. Well, if you take Canton you must hold it. The evil is that when once you are in the

wrong course every new step only leads to new difficulties. You say you are bound to take this course, because by the most improper conduct of Sir John Bowring you were plunged into an unnecessary contest with the Chinese, and you do not think it would be dignified to draw back; and so you go on, without right or reason on your side, inflicting destruction on the lives and properties of the innocent people of Canton. And, when you have got that town, what is to be done? If the Chinese content themselves with allowing you to take the town and refusing to make terms, are you to go on? Every new step will make it more difficult to stop or go back, and at the same time every new step in advance is rendered more difficult, if not impracticable, by the various demands on us for forces. This is not the time for debating this question; but I cannot help saying it does appear to me something almost unexampled in Parliamentary history that we are now actually engaged in a war with China and no authentic declarations have yet been made to Parliament or to the world for what objects the contest is going on. All we know is that when the subject was discussed your Lordships' House, by no very large majority, refused to condemn the proceedings in which the war originated, and that the other House did condemn them. Since then there have been no further explanations, and Parliament is uninformed for what we are now going to fight, or for what objects these hostilities are now carried on. We learn from the newspapers, and from the newspapers only, that one of the objects is to call on the Chinese to pay for damages done to English merchants by the late proceedings at Canton. If that be true, I think the demand is as impolitic and as unprincipled as any demand ever made by a great country on a helpless opponent. If such a demand were made by Russia on Turkey, or some such State, we in this country should condemn it as one man; and if such a demand is really to be made on China it is impossible, in my mind, to stigmatize it too strongly; and I think it as impolitic as wrong, for be assured there is much force in what was said on a former occasion by a noble Earl opposite (the Earl of Ellenborough) who observed that a great deal of this evil had arisen from the demand for compensation to merchants made in the last war, though they received an advantage from the increased value given to their commodities by the war; and by the demand for compensation, that unhappy war, on which no one can look back without blushing, is turned into a direct source of profit; and nothing could be more impolitic than to give to persons in that situation an interest in engaging this country in war.

LORD BROUGHAM said, that he wished to direct their Lordships' attention to two points. With respect to what had fallen from different noble Lords regarding India he had not a word to add, except to express his deep regret to find his noble Friend near him of opinion that though the danger is over the affairs in India are not yet nearly settled. If that were so—and to a certain degree he was afraid he must admit it—if, though the crisis is over, there is yet on hand more work in that part of the world—to say nothing of the addition of China—but if in India, in Central India—in Oude, for instance—the operations now undertaken were by no means finished, he could not but express amazement when he learned that such a time should be chosen for bringing forward a large and most important measure—neither more nor less than a plan for the final settlement, as it was hoped to be, of our Indian Government, and of the relations between the Indian and Imperial Councils, and between the Indian and Imperial Governments together, and the proprietary body. That was a subject of great difficulty and no small complexity, involving, as it did, the largest interests, and he ventured to say that it had better be undertaken and settled at a time when all the operations of war were at an end, and when the whole subject might be calmly, deliberately, and with entire circumspection examined. The other matter on which he was about to address their Lordships related to a recent event in France—unhappy in one sense, and in another sense the most fortunate and providential, as it resulted in the escape of the French Emperor and his family—the escape of the Emperor and his capital, of France, of this country, and of all Europe—from that most execrable attempt, with the risk of murdering hundreds, and with the certainty of wounding large bodies of the people, in order to take away that life so invaluable both for the peace of France and for the peace of Europe, and, he would add, for the peace of the world. Nevertheless, the result was that the beginning of an irritation had been produced in France, in consequence

of the alarm in which people had been thrown. And, as fear was always the worst of counsellors, generally giving rash counsel, and not unfrequently cruel, the effect had been that degree of exasperation to which his noble Friend had alluded, coupled with an entire ignorance in many quarters of the whole bearing of the subject as regards this country. In saying this, he adverted to the requisitions he had seen calling for things which in this country are impossible under the law, and for other things which the state of the law rendered altogether superfluous. When he found that publications were complained of, not only extenuating but justifying assassination, and actually going so far as to lament the failure of plots for that purpose — publications previous to the late execrable attempt, and referring to former crimes of a similar nature — when he heard these publications complained of, and a clamour raised abroad for new laws in this country, his answer was that the law was sufficient as it now stood; that it was unlawful by the established law of the land for any man to publish provocations to murder and assassination, or a practical defence of murder and assassination, and that he would be punishable, he (Lord Brougham) apprehended, for a misdemeanour in so doing, and would be most severely dealt with by the Court which tried the offence. Again, if instead of a general panegyric of those enormous offences a man should limit his approval to a particular attack upon a foreign Prince, or were to point out or indicate a particular individual as an object of murderous attack, whether a Prince or not, there was not the least doubt but that he could be dealt with by the English Courts. He remembered that a libel against the Emperor Napoleon, then First Consul, was prosecuted in this country. He believed in that libel assassination was recommended. However, a prosecution took place, and a conviction was had; Peltier was convicted, and then war broke out; but that person, he thought most improperly, was not brought up for punishment. He had often discussed the matter in private with Lord Sidmouth, and had always expressed to him his belief that the man should have been brought up for judgment and severely punished. There were, no doubt, circumstances of extenuation in the case, and these would have been urged with ability before the Court by his counsel; but, notwithstanding all the efforts of counsel, he had no doubt that punishment would have been inflicted. It would probably have been contended that the libel was written before the peace, but he (Lord Brougham) held that it was even more requisite to bring him to punishment after the war broke out afresh than before. Their Lordships would no doubt recollect the case of "Gilbert *v.* Sykes," which was decided by the Court of King's Bench in 1812. One of the parties in that case had given the other £100 on condition of receiving a guinea a day as long as Napoleon Bonaparte lived. The payment was claimed, and the case ultimately came before the Court on a rule for a new trial, and all the points were raised and fully argued. He (Lord Brougham) was counsel in the case, and he well remembered that the Court, which was presided over by the celebrated Lord Chief Justice (Ellenborough) decided in the most unequivocal manner that it was an immoral and, therefore, illegal contract, because it led to an encouragement of the crime of assassination. One argument in favour of the claim was, that it could only lead to the assassination of an enemy, for Napoleon was at that time at open war with this country, and it was contended that this could be no offence, because we had a right to put an enemy to death. "Yes," said Lord Ellenborough, "you have a right to put an enemy to death, but only in a legal way, in open war and by force of arms; you have no right to assassinate him, and no one has a right to make a bargain that might by probability lead to such an outrage on all law." The decision in this case was given on the broad principle that any act which could encourage, or had a tendency, however remote, to encourage assassination of a foreign Sovereign, even though an enemy, was illegal in this country. He was sorry to hear from his noble Friend that there were refugees in this country who combined and conspired together in a way that had a tendency to encourage attempts on the life of foreign Princes. He believed that if there was sufficient evidence of such proceedings the law was sufficient to suppress them; but if it was not sufficient to prevent such cabals, then the law ought to be amended. He begged to repeat, however that there was no doubt that if any persons met together either in public or private meetings, or issued publications and set forth doctrines that led not merely to a general and abstract defence of mur

der and assassination, but to the most mischievous act of attempting that assassination, then the parties so offending were liable to prosecution, and, if convicted, would be severely punished. Without the commission of any overt act such persons might be punished. It had been said we had a law in England that made compassing and imagining the death of the Sovereign high treason; why not make the compassing and imagining the death of a foreign Prince high treason also? But it was evident that they could not charge a person with high treason unless they could set forth in the indictment the commission of an overt act—that overt act being necessary to prove the "compassing and imagining" the death. In the prosecution of the regicides for the death of Charles I., they were indicted for "compassing and imagining the death of our late Sovereign Lord of blessed memory Charles I.," and the overt act laid in the indictment was the cutting off the head of the Sovereign, an overt act, no doubt, quite sufficient to sustain the allegation of compassing and imagining; but they were not indicted for the act itself. In the case of a foreign Sovereign a difficulty was here felt that could hardly be got over, and for his part he did not see how it could be met. With regard to an alteration of the law affecting the general case, reference had been made to a revival of the Alien Act, and in order to put an end to proceedings so offensive and mischievous it might possibly be considered whether a modified revival of that Act could not be resorted to; but he entertained the strongest objection to some of its provisions, and he would not consent to re-enact them except in the most modified form. The old Alien Act was attended with many abuses and grievances, one of which was the sending parties abroad to the very places from which they had escaped, so that they were hurled, as it were, into the lion's mouth. One consequence of this state of things was that debtors often put the law in force against their creditors, and got them sent abroad as aliens, so that sometimes persons were carried back to France during the reign of terror, and were guillotined. He would leave such persons to make choice of the place to which they would be sent, and if any such law was resorted to, it would be absolutely necessary to be under great modification, including this freedom of choice.

Lord Brougham He was quite sure the law of this country was sufficient severely to punish such acts as those most complained of, and he trusted Her Majesty's Government would see the necessity of putting it in force as soon as they had proof to support a prosecution.

Lord CAMPBELL said, that as he had the honour to be the head of the criminal jurisdiction in this country, he thought he was called on to make a few observations on this very important subject. For his part, he did most sincerely and earnestly deprecate any change in the criminal law which would extend the power of the Government over refugees who sought an asylum in this country. By the law as it now stood the Government had all the power they ought to have. If persons belonging to the class of refugees committed offences while in this country let them be punished; but until they were proved guilty let them enjoy the hospitality and protection afforded by the English laws. There could be no doubt that as the law now stood, a conspiracy in this country, between British subjects as well as between aliens, to assassinate a foreign Sovereign, or to commit murder, or to disturb the peace between this country and any other with which we might be in amity, would be a misdemeanour liable to severe punishment. And not merely a conspiracy, but the acts of individuals directly tending to disturb the amity subsisting between this country and a foreign State would be punishable. There could be no doubt that words might amount for that purpose to a misdemeanour. If there was an exhortation to commit a murder or a burglary, or to raise a riot, that would be in England a misdemeanour, and the moment the speaker had finished his speech he might be arrested and tried. He (Lord Campbell) had had the honour to be a law officer of the Crown for many years, and the only *ex officio* information he filed was against the late Feargus O'Connor for exhorting people in his newspaper, called *The Northern Star*, to plunder their superiors; he (Mr. O'Connor) said the land was the property of the nation at large, and ought to be equally divided among all the people of this country; and not only did he advance that speculative opinion, which, as such, might have been harmless, but he exhorted the people to rise and take possession of their share of the national property. The result was that he was tried and convicted in the Court of Queen's Bench, and sentenced to

two years' imprisonment. So the deliberate exhortation of an individual, either by writing or spoken words, to murder a foreign Sovereign would be a misdemeanour and it would make no difference whether the individual was a native-born subject or an alien resident in England. Where was the ground for changing the existing law? Were they to say that the Government should have the power, immediately upon the requisition of a foreign State, without any proof of culpability whatever, to expel an alien from the British territory? In that case, the law must be changed indeed;—but God forbid they should ever make such a change! In this country aliens as well as native-born subjects were always to be considered the subjects of Her Majesty; and while they were in this country and obeyed the law they were to be protected as much as if they were born in the metropolis of England. He hoped that would continue to be the principle on which all our legislation on that subject proceeded. It was the ground on which England had hitherto been the asylum of foreigners of all nations, and he hoped that asylum would never be taken away. If, however, there were anomalies in the law, or if there were diversities in the law of different parts of the United Kingdom, he would not oppose such alterations as might be necessary to reconcile them; but if a law were proposed to deprive aliens of the rights they now enjoyed, he would most strenuously resist it.

THE EARL of HARDWICKE said, he wished the noble Lord the Secretary of State for War had remained in his place, inasmuch as he was desirous of asking him some questions in reference to the defences of the country. He did not allude to those defences in reference to any particular power or occasion, but as regarded the general situation of the country. It should be remembered that we had already lost an army in India which was heretofore at the service of the State. We were called upon to send out another army there, which must necessarily be taken from the strength of the force in this country. Well, we had not as yet replaced that army at home. The Secretary for War stated that he was quite satisfied with the condition of our military forces; but he did not state whether the army now at our command was sufficient for the operations required of them, and for the restoration of peace and security abroad. His own opinion was, that the army in India was much too weak for the purposes required of them; and if his noble Friend could do no more than supply that army with recruits, it would, he believed, fall short of the necessity of the case. But the country, in the meantime, was almost denuded of regular troops. From his side of the House they had frequently urged upon the Government to take the most effective measures against India by transporting the troops as rapidly overland as possible. They had further recommended the calling out of the whole of the militia. He was still of opinion that the whole of the militia should be embodied without any further delay. It was ridiculous to haggle about the question of recruits when the militia could be called out. What we wanted was an army of protection, embodied within the country. Then, after they had done all that they proposed, they would be forced to form a new army in England for all the exigencies of the State. Now the navy, with the militia, was the national defence of the country; but the present condition of the navy was really contemptible. He did not think he was telling anything new to foreign Powers on this subject; for there was not one which did not know, from our *Navy Lists* and other publications, every ship that was put in commission. He said that the present condition of our naval force was contemptible; but, instead of keeping even this small force at home, the Government were occupying it in a contemptible war. He had always contended —not from any feeling of pride, or disposition to attack the Government—that this war with China was one of the most contemptible and disgraceful that had ever been waged. It deprived the country of its commerce. Our merchants at Shanghae were in danger of being ejected from that place, and our tea trade was altogether endangered. Like children, the Government had commenced the war under a sham admitted by all. They went with this sham before the country, and obtained fictitious strength. They undertook the bombardment of Canton, with its million of inhabitants—one of the most barbarous acts ever committed in ancient or modern times; and, when they obtained their object, they meant to put into it 1,000 marines and 600 Frenchmen, to hold the city in future against millions of the Chinese population. Of all the contemptible proceedings ever attempted, none was more contemptible than the attempt to hold the place with such a force against

a great though an unwarlike nation. They could not expect to gain anything by such a step, except to rob this country of a portion of its trade, and the defence of a portion of its navy. He regretted that the noble Lord (Lord Panmure) was not in his place, as he meant to ask what he intended to do with regard to the defences of the country, because those defences were not in a condition they ought to be in, even under the most ordinary circumstances. He feared that none of the noble Lords opposite could much enlighten him as to the state of the army and navy, and should, therefore, wait for a future opportunity to put a question on the subject of the national defences.

Motion *agreed to.*

House adjourned at a quarter past Seven o'clock, till To-morrow. half past Four o'clock,

HOUSE OF COMMONS,

Thursday, February 4, 1858.

MINUTES.] NEW MEMBERS SWORN—for Ashton under Lyne, Right Hon. Thomas Milner Gibson; for Scarborough, John Dent Dent, esq.; Buckingham County, William George Cavendish, esq.; Whitehaven, George Lyall, esq.; Elgin District of Burghs, Mountstuart Grant Duff, esq.

NEW WRIT for Limerick *v.* James O'Brien, esq., one of the Justices of the Court of Queen's Bench in Ireland.

1° Heirs (Scotland); Valuation of Lands (Scotland) Act Amendment; London Corporation.

EAST INDIA (TRANSPORT OF TROOPS).

MOTION FOR SELECT COMMITTEE.

SIR DE LACY EVANS, who had given notice of his intention "To move for a Select Committee to inquire concerning the measures resorted to or which were available, and as to the lines of communication adopted for reinforcing our army during the pending revolt in India, and to report thereon to this House, with a view to ascertaining the arrangements which should be made towards meeting any future important emergencies involving the security of our Eastern dominions," said, that as the Government had acceded to his Motion he was saved the necessity of trespassing at any length on the attention of the House. At the close of the last sitting an hon. Member opposite (Mr. S. FitzGerald) had asserted that the right hon. Member for Wells (Mr. Hayter) had misled him into postponing this Motion; but he could assure the House that the right hon. Gentleman had had no share in that postponement. It was entirely his own doing, and he alone was responsible. The right hon. Baronet the Member for Droitwich (Sir John Pakington) had expressed an opinion that this Motion was, in fact, a vote of censure on the Government, but with that he had nothing whatever to do. The result of the Committee might be a censure on the Government, or it might be a matter of praise and congratulation for them. That he did not regard. All he meant and wished for, in case the inquiry was determined on, was that it should be of the most searching and judicial nature, and that hon. Members should approach it free from all party influences. With regard to the suggestion of the noble Lord the Member for London, that this was a question for a Committee of the whole House, and not for a Select Committee, he had looked into the precedents, and he did not think that they were in favour of that course. The inquiries into the charges against the Duke of York and the Walcheren Expedition were the last which had been conducted by a Committee of the whole House, and great inconvenience was then felt from the adoption of that course. Looking, moreover, at the mass of business which had to be got through this Session, it was not possible that the House could spare the time requisite for such an inquiry. Since putting his notice on the paper he had found it desirable to vary the terms of his Motion, and, therefore, he would now, if he were permitted to do so by the forms of the House, propose That a Select Committee be appointed to inquire into the measures recently adopted by Her Majesty's Government for the transmission of Troops and Stores to India and to report thereon to this House.

SIR CHARLES NAPIER seconded the Motion.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into the Measures recently adopted by Her Majesty's Government for the transmission of troops and stores to India, and to report thereon to this House."

VISCOUNT PALMERSTON said, he could only repeat what he had said before, that the Government could have no possible objection to the Motion of the hon. and gallant Member, and would be happy to afford all the information in their power.

SIR JOHN PAKINGTON said, that the Motion, as put from the Chair, appeared to be very different from the terms in which it stood on the paper. He wished, therefore, to know if it was the intention of the hon. and gallant Member to follow up the inquiry into all the matters which were referred to in the Motion of which he had given notice?

SIR DE LACY EVANS said, he should be the last man to wish to restrict the inquiry. It was his full intention to inquire into all the matters contained in the scope of his original notice,—into the proposition for sending reinforcements from Canada for instance; the measures taken by the local authorities at the Cape; and, in fact, into all the points connected with the subject which were discussed before the adjournment.

MR. DISRAELI said, he rose to a point of order. He thought that, as there seemed to be grave doubts as to what the hon. and gallant General did mean, and as the Motion which he had made differed greatly from that which stood on the paper, it would be convenient to the House if in his place he would state explicitly the Motion which he intended to make.

SIR DE LACY EVANS said, that he had altered the terms of the Motion because he understood that some hon. Gentlemen objected to the last sentence of it, as it stood in its original form; but if the right hon. Gentleman saw anything very attractive in the Motion as it stood upon the paper, he would willingly re-introduce it.

MR. DISRAELI said, he must again appeal to the Speaker on the point of order. A general notice had been given by the hon. and gallant Gentleman before the adjournment. It was a very important notice, and he was not surprised that his right hon. Friend near him (Sir J. Pakington) should have expressed an opinion that it might be looked upon as a vote of censure on the Government. When notice was given of a Motion of that description, it certainly did imply *prima facie* that there was some conduct on the part of the Government which ought to be censured. The House would agree that there should be a clear understanding upon such a subject; and he put it therefore to the Speaker, whether it was in the power of any Member first to give a general notice upon a subject of great importance a long time before it could be brought under consideration, and then, at the last moment (after giving a formal and precise notice in the meantime), so to alter the terms of the Motion in such a way as to obtain the assent of the Government, and thus to place an obstacle in the way of a fair and candid discussion of it? He was anxious to have the opinion of the Chair as to whether the hon. and gallant Gentleman was not bound either to give a new and formal notice of the Motion in the altered terms in which he intended to bring it forward, or failing to do so to submit for the consideration and decision of the House the Motion as at that time it appeared on the paper?

SIR DE LACY EVANS said, he was quite prepared to submit to any alteration that would meet the views of hon. Gentlemen opposite. The Motion he now moved was in point of fact the same as he had put upon the paper for the 17th December, to which, except as regarded the omission of the last sentence, the Government had, before the House adjourned, intimated that they were prepared to accede. He should have brought it forward on that day but he was unable to do so. The Motion to which the right hon. Gentleman referred was the one he gave notice of on the 4th December, but that was not precisely the one to which the Government had acceded, and therefore he had moved the one in which the Government had acquiesced.

VISCOUNT PALMERSTON remarked, that he could only say that so far as the Government are concerned, they are perfectly willing to adopt either the form of words moved by his hon. and gallant Friend, or the form of words as it stood in the Votes.

MR. HORSMAN suggested, that a simple way of getting over the difficulty would be for the right hon. Gentleman opposite to move as an Amendment the form of words upon the Notice Paper.

MR. DISRAELI observed, that he did not think the suggestion of the right hon. Gentleman opportune. It by no means followed that because he (Mr. Disraeli) objected to the Motion as proposed by the hon. and gallant Officer, he was bound to move the substitution of the words as they stood upon the paper. He must again appeal to the Speaker whether, due notice not having been given of this particular Motion, it could then be put? He must, with all due deference, press his question on the right hon. Gentleman, because having repeatedly done so, he had only

elicited answers from others when he would with so much more satisfaction have received an answer from the Speaker.

MR. SPEAKER said, that it was greatly for the convenience of the House that the terms of the notice should be adhered to in proposing a Motion to the House, but it was certainly in the power of a Member to depart from the exact words of his notice, and sometimes inconvenience might arise from not allowing such departure. The hon. and gallant Member was not out of order in proposing the Motion in its altered form. It was equally true that the Committee, in pursuing their inquiry, would be limited to the altered terms of the Motion.

MR. ROEBUCK said, that he would move as an Amendment, to add to the Motion the concluding words of the Motion as it stood upon the paper, "with a view to ascertaining the arrangements which should be made towards meeting any future important emergencies involving the security of our Eastern dominions." These words were not such as he should himself use, for they did not very clearly state the objects of the inquiry; but as they were those which his hon. and gallant Friend originally intended to move, he would adopt them.

Amendment proposed, at the end of the Question to add the words, "with a view to ascertaining the arrangements which should be made towards meeting any future important emergencies involving the security of our Eastern Dominions."

Question proposed, "That those words be there added."

LORD JOHN RUSSELL said, it certainly was a surprise upon the House that the hon. and gallant Officer had not proposed the Motion in the form he had put it upon the paper, but as he had amended it, he (Lord John Russell) preferred it to the Motion as now proposed by the hon. and learned Gentleman, (Mr. Roebuck) because it appeared to him that the latter opened up the question to the more general inquiry of what the Committee would advise should be done in future to meet similar emergencies, and it was clear that unless the emergency was precisely the same and the means at the disposal of the Government the same, such advice would be but of little use. What they should inquire into was, what means the Government took to transport troops and reinforcements to India, and whether those means were sufficient under the circumstances or insufficient—that was an important inquiry, but as to what ought to be done in future cases, that was a matter that ought to be left open, for it was impossible to say that what it would have been right to do last June would be equally right in 1867 or 1877. He should, therefore, vote against the Amendment of the hon. and learned Member for Sheffield.

SIR JOHN PAKINGTON said, that, whatever might be the strict rule, he could not help thinking that it would be very inconvenient for hon. Gentlemen to give notice of Motions in a different shape from that in which they intended to submit them. He agreed with the noble Lord in his objection to the latter part of the Resolution, but he found that the hon. and gallant Officer had altered the early part of his Motion as well as the latter part. The hon. and gallant Officer had omitted the words, "or which were available," and he owned that it was the omission of those words which had first struck him (Sir John Pakington) and had made him direct attention to the subject, because if the inquiry were to be of any practical use at all they ought to go into the question, whether Government did avail themselves of all the means in their power in sending out troops to India. If the hon. and learned Member for Sheffield would let the Motion stand, as notice had been given, down to the word "House," and would omit the remainder of it, he apprehended that the Motion would then be agreed to without opposition.

MR. ROEBUCK said, he had no objection to withdraw the words from his Amendment, in fact, he did not care one farthing about it. He had moved his Amendment to get them out of the difficulty, and now, if they had no objection, he would withdraw it altogether.

Amendment, by leave, *withdrawn*.

SIR DE LACY EVANS said, that however he might have expressed himself he wished distinctly to state that it was his full intention that the inquiry should extend to all the available means at the disposal of the Government, and how far they had availed themselves of them.

SIR HENRY WILLOUGHBY suggested that if the words "or which were available" were retained, there would be no objection to the Motion.

MR. DRUMMOND observed, that it seemed to him that the House was under some difficulty. He did not remember ever hearing of a Motion which was said to

condemn some part of the conduct of the Government being agreed to without their having some grounds laid before them for the assertion that the Government were to blame. They were asked to appoint a Committee without having any allegation whatever before them.

VISCOUNT PALMERSTON said, he considered that the House was discussing at some length a matter upon which substantially there could be no difference of opinion. In the course of the last Session great doubts were expressed as to whether Her Majesty's Government had availed themselves of all the means at their command in sending out troops and reinforcements to India, and many hon. Members expressed an opinion that instead of sending the forces round by the Cape of Good Hope, they ought to have been sent overland through Egypt. The Government maintained the opposite view, and were ready to support it by argument and statements. His hon. and gallant Friend stated that he was prepared to move that the subject should be referred to a Select Committee. That he considered was a fair course, and one with which the Government ought to be satisfied, and they were prepared now, as they were then, to assent to such an inquiry being instituted. His hon. and gallant Friend had inserted upon the Notes a form of words for effecting that object, but which, for some reason or other, he had thought fit to alter. The Government had no objection to the form of words as altered, or to the form of words as it stood on the Votes; but if his own opinion was asked he should say that the original form, being more comprehensive, embracing the past as well as the future, would indicate to the Committee the more satisfactory form of inquiry. He therefore would recommend to his hon. and gallant Friend to withdraw his present Motion, and submit in lieu of it the Motion as it stood upon the Votes.

SIR DE LACY EVANS said, he was perfectly ready to acquiesce in the suggestion.

MR. DISRAELI said, he thought the House was called upon to protest against a course which he held to be irregular, inconvenient, and to a great degree, if not entirely, unprecedented. The noble Lord said that when the House met last year, in December — [Viscount PALMERSTON: Last summer.] He begged pardon, but he thought it was on the 4th December when the noble Lord made his memorable statement about the monsoon being the reason why the troops had not been sent through Egypt. It was in December, then, that the hon. and gallant Officer brought forward the subject; and there was certainly at that time much discontent in the mind of every Member of that House and of the country as to the manner in which the troops had been forwarded to reinforce our army in the East. The hon. and gallant officer, than whom no Member of that House was more competent to bring forward such a question, gave notice of his intention to bring on the subject for discussion on an early day; and in consequence of that notice there was an absence of discussion at that time, for although many opinions might have been incidentally expressed one way and the other, it was felt that, acting in accordance with the mode in which the business of the House was ordinarily conducted, that expression of opinion ought to be postponed until the Motion—though certainly no one expected it to be a protracted one — came fairly before them. But the Session was most unexpectedly terminated, and the hon. and gallant Member had no opportunity of bringing on his Motion before the House adjourned. But was it anticipated by any hon. Member that such a Motion could be agreed to without a full and complete discussion? Whatever view hon. Gentlemen might take—whether it was a Motion for the satisfaction of the public mind, or whether it was a Motion of censure upon the Government, certainly no one anticipated that it would be assented to without the grounds upon which it was brought forward being stated and the House being called upon to pronounce a decision on those grounds, and upon those grounds alone. No one could deny that such a Motion as the present was at least unusual. It is only upon a *prima facie* case being laid before it that the House of Commons can be expected to grant an inquiry, and, therefore, not for a moment could it have been supposed that such a Motion would be made, much less carried, without full opportunity for discussion and the expression of opinion. At the commencement of the present Session it was generally understood that an opportunity would be afforded for a full discussion on this important subject, and when they were told that the sitting, which it was supposed would have lasted three weeks, was only to last one, and that the hon.

and gallant Officer had an understanding with the Government that his Motion should be assented to by them, there was a feeling of great and universal disappointment on all sides. He would recall to the recollection of the House the fact that the noble Lord the Member for London stated that he did not consider himself bound by that understanding, but reserved to himself the right of moving for a Committee of the whole House—a most important step, as he need not say. He protested, then, against the view which the noble Viscount has taken of this Motion, and contended that he had no right to expect that this Motion should be referred to a Select Committee without discussion. He concurred with the hon. Member for Surrey (Mr. Drummond), that there was no instance on record in which a Motion of such importance, involving the conduct of the Government, had been carried without the grounds upon which it was brought forward being explained. He contended that the hon. and gallant Officer was bound to lay his grounds for the Motion before the House, and that hon. Members were found to listen impartially to the statements he might have to bring forward, and to what the Government had to say in their own defence. Until this was done he trusted that the House would not agree to the Motion. For what was the object of a Select Committee? It was to obtain that information which the House could not elicit direct from the Minister. But as yet they had no discussion, and they could not therefore know whether the explanations which the Minister might be prepared to give in the House were satisfactory or not—and, consequently, whether or not the Committee was necessary. Whatever the terms of the Motion, of this they might be assured, that if it were agreed to without discussion, the feeling of the public would be that there was an arrangement between the hon. and gallant Member for Westminster and the Government, by which full and open discussion of a subject which so immediately concerned the public interest, and which had so much agitated the public mind, had been prevented.

SIR DE LACY EVANS said, he rose to explain:—He was quite sure the right hon. Gentleman did not intend to misrepresent him, but he had, nevertheless, made a remark which might lead to a very incorrect inference. The right hon. Gentleman had attributed to him an arrangement with the Government for the purpose of preventing discussion. He could assure the right hon. Gentleman that he had not exchanged a word with any member of the Government upon the subject, beyond what had taken place in the House when the subject was last before them. Then the right hon. Gentleman said that he (Sir De Lacy Evans) ought to have stated the grounds of his Motion, and to have called for a full discussion. He thought he had brought the subject before the House already, and so far from having misled the House, he stated distinctly on the last night on which the subject was mentioned that as the Government had assented to his Motion, it was not his intention to induce a discussion.

MR. SPEAKER, after intimating that the hon. and gallant Officer must confine himself to explanation, said that looking at the opinions expressed on both sides of the House, he would suggest to the House that the most convenient course would be, to adopt the suggestion of the noble Lord at the head of the Government. That the hon. and gallant Member should withdraw his Motion, and move it in the words in which it had originally stood on the paper.

MR. FRENCH remarked, that as the Motion had in that form been already put and withdrawn, it could not now be put again.

Motion by leave *withdrawn*.

Motion made and Question proposed,—

"That a Select Committee be appointed to inquire concerning the measures resorted to or which were available, and as to the lines of communication adopted for reinforcing our Army, during the pending Revolt in India, and to report thereon to this House; with a view to ascertaining the arrangements which should be made towards meeting any future important emergencies involving the security of our Eastern Dominions."

LORD JOHN RUSSELL said, that he thought the proceedings of the House were certainly somewhat irregular; but whether it was irregular or not, after a form of words had been proposed, and by the leave of the House withdrawn, to move it again, he thought the words which originally stood in the former part of the Motion were essential. It appeared to him that the words "which were available," which it was proposed by the right hon. Gentleman opposite to insert, were necessary. If including those words they adopted the Motion down to the words "this House," they would leave it to the Committee to consider what measures were available,

and what measures were adopted by the Government, which was a reasonable and useful subject of inquiry. But if they went further and the Committee were asked to consider what arrangements might be made to meet future emergencies that might arise in our Eastern dominions, they called upon them to go beyond what was necessary, and to enter upon an inquiry that could result in no practical benefit. There might be certain reasons existing now why the Government thought it better not to send the troops overland through Egypt, or by steam round the Cape, instead of by sailing vessels, but which in future emergencies, when there might be a railway the whole distance from Alexandria to Suez, and improved means for the reception and transport of troops at the latter place—in fact when different circumstances existed from those with which the Government had now to contend, might not apply. Therefore he thought it would be better to confine the Motion to the earlier part, leaving out the words after "this House;" and he would move as an Amendment that the last sentence be omitted.

SIR JOHN PAKINGTON seconded the Amendment.

Amendment proposed to leave out from the words "House" to the end of the Question.

MR. DISRAELI: The House must consider before it assents to this Motion, the position in which it is placed. The reason for appointing a Select Committee in such a case as this is, that when a subject in which great interest is felt has been brought before the House and discussed, the House feels that it is yet so involved in a mass of details as to render it impossible in a public discussion to deal with it completely, and to arrive at any satisfactory conclusion. But here there has been no pretence of a debate at all. And yet, so far as I can understand the question, I am of opinion that this question might very completely and profitably have been debated and disposed of in the House itself without the interposition of a Select Committee. It was open to the hon. and gallant Gentleman to have brought forward his Motion, and to have stated his opinion that our army in India ought to have been reinforced by the overland route, as generally a more early and more efficient mode than that to which the Government had recourse. We should have listened to his statement, supported as he would no doubt have been by information and argument, and we would also have heard what the Government had to say in vindication of the course which they thought proper to pursue. We have, however, had no opportunity of pursuing that course, and I ask the House is it wise or expedient that we should relinquish our functions as a deliberative assembly, representing the feelings and opinions of the country, and bound to watch over its interests, and without any reason assigned, appoint a Select Committee to inquire into a subject which we ought to inquire into, and which by the ordinary means of public discussion we are expected to extricate from its confusion. The course proposed is, no doubt, convenient, when the conduct of Government is called in question—and called in question, too, not by an opponent but by one of their habitual supporters, but it is one which is not very honourable to this House. For observe how the House is placed with regard to it. On the first night of this Session the hon. and gallant Gentleman gives notice of a Motion on the subject, and, of course, by the courtesy of the House, he prevents any hon. Gentleman on this side of the House from giving notice on the same subject. I speak with authority on this point, because I know there was an hon. Friend of mine, on this side of the House, who would, but for that notice, have submitted the question to the House and taken its decision upon it. See, then, the position in which we are placed. At the unexpected early Session in December there was a general feeling that the position of our army in India would have been improved by an earlier adoption of the overland route, and great discontent and dissatisfaction throughout the country as to the means by which our army in India had been reinforced and the military power of England in the East sustained. It was naturally expected that, when Parliament did meet, this question would be brought to that sure test of truth—a discussion in the House of Commons. But while matters were in that state, a hon. and gallant Gentleman, who is an habitual supporter of the Government, gets up and gives notice of a Motion for a Select Committee. By the courtesy which in this House one hon. Member invariably shows to another, he thus makes himself master of the situation, and prevents any opponent of the Administration from originating inquiry. The question is thus left in the possession of the hon. and gallant Gentleman, and till the very last

moment in the December Session we are left to suppose that the question will be brought forward. We supposed, and we had a right to suppose, that no Government would allow Parliament to adjourn without having first secured for that question a full and ample discussion. Yet, by some hocus-pocus, which it is difficult to understand, which it is by no means easy to trace, we find affairs are so managed, not of course by the hon. and gallant Gentleman, because he says he is incapable of management, that no discussion of a question can be had on a point on which the country was most anxious there should be a discussion. Then consider in what a crude, inconsiderate, incoherent way the matter is now brought before us. The hon. and gallant Gentleman first makes a Motion, then he withdraws it, and then he introduces it again in another form. For my part, I agree with the noble Lord the Member for London, (Lord John Russell), that even though this question were now to be discussed, it would be impossible to agree to the form in which, at your recommendation, Sir, it has now been put from the chair. The whole question has been brought before us in the most crude and incoherent form, and quite beyond the power of this House to sanction. The best thing would now be that the hon. and gallant Gentleman should manfully withdraw his Motion, and so shape it that discussion on it might be challenged by a clear and definite issue. The noble Lord at the head of the Government indeed, tells us that the question has been sufficiently discussed. When was it discussed? I never recollect any instance when the question was made matter of serious discussion, or sustained attention. It is true that on one memorable occasion the noble Lord the First Minister of the Crown gave us the grave reason why the troops could not be sent by way of the Red Sea. I must say I listened to the noble Lord's statement—made, I believe, about midnight on almost the last evening the House met before Christmas—with astonishment. I remember the noble Lord said he could not take upon himself the responsibility of allowing the British troops to proceed across the desert when the monsoon was blowing, and when there was no accommodation provided for the men at Suez; and further, that he did not think it was befitting the dignity of Great Britain to go cap in hand to any foreign Potentate, and ask for permission to allow British troops to proceed through his territory. The noble Lord's objections resolved themselves into a physical and a moral one. As to the moral objection, I do not think there would have been anything degrading, under the circumstances, in a British Minister asking a foreign Power to allow the passage of our troops through his territories, even as a matter of favour; but that was altogether unnecessary, for it happens that we have a treaty of transit through the territories of the Ruler of Egypt, which would permit our troops to pass as a matter of right. Then as to the physical difficulty. The noble Lord talked of the danger of encountering the monsoon and the desert. Now, Sir, this desert is a mere strip of land. One would suppose, to hear the noble Lord's description, that it was the desert of Sahara, instead of being a mere strip of land, the greater portion of which was traversed by a railroad. As for the monsoon which British troops cannot encounter, it has been habitually encountered on the voyage to India not by Englishmen only, but by English women and English children. If they could encounter the heats of the monsoon I should think British troops would not fear to face it. Besides, it ought to be remembered that this wind, against which the noble Lord inveighs so much, is favourable to the passage of the troops, as it blows up the Bay of Bengal, and would then enable them to make the voyage in a fortnight. And when the noble Lord tells us of the perils that were likely to be encountered by the British soldiers during these few days of the monsoon, he forgets the inconveniences to which they are subjected during their long three months' voyage round the Cape. Now, if the noble Lord have no better defence than this, I can easily understand that the noble Lord thinks it would be better to have the question remitted to a Select Committee. But that is not the position of the House of Commons. We have our duties to consider and our dignity to uphold, and I think it will be more consonant with them that this question should be brought fully before the House—that the mover of this Motion should state his reasons why he thinks the conduct of the Government objectionable—and that we should listen to his reasons rather than that, by a reference to a Select Committee we should seek to protect ourselves from that responsibility from which, as a representative assembly, we ought not

to shrink. I hope the hon. and gallant Member—after the unsatisfactory state in which the Motion stands, a Motion which has suffered from the attentions of fathers, godfathers, and friends of all kinds—will shrink from any responsibility connected with it; that he will withdraw it for the present, and give notice, after due reflection, of a Motion which will allow the House fairly to discuss its merits, with a view to elicit some result which will be satisfactory to the country, and a guide to that opinion in the country which is always ready to be affected by that of this House, when the country believes that the House does not shrink from the pains necessary to ensure the truth.

VISCOUNT PALMERSTON: The right hon. Gentleman has talked of the various fathers and godfathers of the Motion of my hon. and gallant Friend. One's eyes sometimes deceive one in this House; but, if mine have not deceived me on this occasion, one of the godfathers of this Motion sits close to the right hon. Gentleman himself,—for I think that the right hon. Baronet the Member for Droitwich (Sir J. Pakington) raised his hat in sign of approbation of the Amendment just proposed to limit the last Motion of my hon. and gallant Friend. I leave the right hon. Gentleman and his right hon. Friend to settle between them who is right—he himself, who opposes the Motion, or the right hon. Baronet, who appears to give it his support. The right hon. Gentleman said the Government hurried the House through the short Session which took place before Christmas, and implied that one of the objects for which that precipitate termination of the sittings was brought about was to prevent the discussion of the question now before us. Sir, I really put it to the right hon. Gentleman (and he is much too candid, even in Parliamentary dialectics, not to avow the truth) whether he and a noble Friend of his in the other House were not much more anxious than we to put an end to the late short Session; and whether we had not the distinct assurance held out to us that, if no other business was to be brought forward by the Government, except that connected with the special matter for which Parliament had been called together, it would be agreeable to all parties that our ante-Christmas sittings should be as brief as possible? The right hon. Gentleman, who appears to put himself forward as the champion of Government, says—"What can be so unjust as to call for a Committee to inquire into a matter connected with the conduct of the Government, before they have had an opportunity of justifying themselves in debate in this House, and of thereby rendering further investigation unnecessary?" The right hon. Gentleman is therefore anxious, for the sake of the Government, that this Committee should not be appointed. Sir, I thank him exceedingly for the kind care he takes of our interests; but we are perfectly willing, as I have already said, that the inquiry should take place, and we are confident that an investigation before a Committee upstairs will lead to a more satisfactory conclusion of the whole matter than could result from a desultory discussion in this House. The right hon. Gentleman says that a debate is the best test of truth; but I take leave to think that, in cases like the present, a sifting inquiry carried on by a Select Committee is a much better method of ascertaining the truth. The right hon. Gentleman says that such a Committee is only fitting when the question at issue is one involving complicated details. Why, this is precisely a question of that nature; it is precisely a matter in regard to which the opinion to be formed must turn upon a great variety of complicated details. Those details can be better inquired into by the examination of witnesses before a Committee upstairs than in a debate in this House. There have undoubtedly been some details adverted to by the right hon. Gentleman which I am afraid even the searching inquiry of a Committee will not be able entirely to ascertain. The right hon. Gentleman spoke of the disastrous effects of the monsoon in the deserts of Egypt; and, although he did not mention it, I presume he also meant to turn his thoughts to a sand-storm in the midst of the Indian Ocean. But these meteorological details I leave to the right hon. Gentleman and the right hon. Baronet who sits next to him. Setting aside these particular geographical questions, I am of opinion that a Committee of this House would be the best instrument for determining whether the arrangements of the Government were those most suited for their purpose. The right hon. Gentleman says that, on a former occasion, I gave very unsatisfactory reasons for the course we pursued. I have no doubt the reasons I may state for anything are usually unsatisfactory to him. That is nothing new. It is a misfortune to which we who sit on this side of the

House must naturally make up our minds. Still, the unsatisfactory judgment of the right hon. Gentleman by no means shakes my confidence in the opinion I expressed, and for which, I think, I gave sufficiently detailed reasons—namely, that the plan we adopted was the one best calculated to promote the public service. I then stated that to have sent troops in large numbers through Egypt, and down the Red Sea, would have required an amount of previous preparation involving an immense loss of time; and, from the difficulty of getting adequate transport from Bombay to Suez, would have been utterly impracticable, and would have entirely defeated the object in view. I said that if you had to send ships from England to arrive at Suez, in order to convey the troops thence to India, it would be much better to send the troops in those ships from hence all the way to India. Certainly, to have sent the ships round the Cape of Good Hope, in order that they might proceed up the Red Sea and receive troops which had been conveyed through the Mediterranean by another set of vessels, would have been a very circuitous operation. These, however, are details which the Committee will have an opportunity of examining. But I must say the right hon. Gentleman's complaint is most extraordinary, and one the least complimentary to himself that I have ever heard in this House. He says he has been taken by surprise, and seemed to imply that he has not had long enough notice to prepare a speech on this subject. Why, he has had six weeks; and if he was unable in the whole of the recess to prepare his mind for a Motion that was announced before Christmas, what chance is there that, if my hon. and gallant Friend's Motion were postponed for four or five days more, those four or five days would be more prolific in a speech from the right hon. Gentleman than the longer interval that has preceded them? The right hon. Gentleman is not a man to be taken unawares. He is not a man who is unable to collect his thoughts and put his information in a proper shape upon the shortest notice; and, therefore, the very meagre statement he has made this evening, and the very unwillingness he has shown to enter into this subject, prove that something has been passing in his mind during the Christmas recess which leads him to think that the result of an inquiry before a Committee will not be precisely that which may suit the views of those hon. Gentlemen who sit on his side of the House. The course of my hon. and gallant Friend appears to me the proper one. He has yielded to the wishes of the House by withdrawing the Motion he had made, and by reverting to the Resolution of which he had given notice in print upon the Votes. And as far as we are concerned we are perfectly ready to adopt that Motion, satisfied that the Committee, by a sifting inquiry, will arrive at the conclusion that the course we pursued was the one best adapted for the public service. Instead of thinking the latter part of the Motion inappropriate, it seems to me that any investigation with regard to the past would be deficient in results, did it not lead to suggestions as to the best methods by which troops should hereafter be sent to India, either in time of peace when no great emergency exists, or in time of war when there is an urgent necessity for transporting a large amount of force with every possible despatch.

SIR CHARLES NAPIER said, he agreed with the noble Lord that a Committee upstairs was the best mode of conducting this inquiry, and he thought that the Government showed great courage in acceding to the Motion, for he could tell them that there were things that would come out in that Committee which would surprise them. He thought the hon. and gallant Gentleman was quite right not to enter into any discussion on the subject now; for, in the first place, there were no papers before the House. A return he (Sir Charles Napier) had moved for with regard to the number of sailing and steam ships sent out to India had not yet been given, and he was not prepared with papers to prove that he was right with regard to the course which ought to have been taken by the Government in sending out troops in steam ships. Still, when the President of the Board of Control laid these returns upon the table, it would be seen that the Government had been perfectly wrong, and that he had been perfectly right. As to what had been said about sending the troops overland to Suez, the Government, however, were quite right. No preparations of any kind had been made for it, and they could not be certain that vessels would arrive from Bombay. With respect to the "circumbendibus" described by the noble Lord, nobody would have thought of sending vessels round the Cape of Good Hope and up the Red Sea to Suez. The real diffi-

culty was whether the Government of India could have found ships to receive the troops when sent from this country. He believed that they could not. He believed that steamers would have arrived in India much sooner than troops sent *viâ* the Isthmus of Suez. But he could not acquit the Government of neglect—perhaps their conduct might deserve a stronger epithet — in not hiring steamers in the first instance, and sending them out with troops to India. If they had done that, he believed the men would have arrived six or seven weeks in advance of those conveyed in sailing vessels.

SIR DE LACY EVANS said, that he begged leave to remind the right hon. Gentleman (Mr. Disraeli) that when he talked of the various paternities of this Motion, that right hon. Gentleman had been the cause of that variety of paternity, by objecting to the course which the proceedings had taken. The right hon. Gentleman said that he (Sir De Lacy Evans) had not made a proper statement to the House on so important a subject. If he believed that he had any of the powers of oratory which the right hon. Gentleman possessed he would enlighten the House as often as the right hon. Gentleman did; but as he had great misgivings as to his own oratory he was careful not to obtrude himself unnecessarily on the House. He had inquired what could possibly be the cause of the right hon. Gentleman's excitement on this subject, and he found that the right hon. Gentleman had come down to the House primed with a very long speech, which the course taken with regard to the Motion had prevented his having an opportunity of delivering. He (Sir De Lacy Evans) had not now troubled the House, because he had spoken on the subject two or three times last Session, and had gone into the whole question. The right hon. Gentleman charged him with being a habitual supporter of the Government. He denied that he was any such thing. He was the habitual supporter of no one, and owed allegiance to no party. He was there as the independent representative of one of the greatest constituencies of the country, and, as far as he could judge, his constituents believed him to be independent, and were quite satisfied with the course he had pursued in Parliament. The right hon. Gentleman also charged him with making an arrangement with the Government with respect to his Motion, and he now answered that he had not made any arrangement with the Government. He had not even exchanged a word with any Member of the Government on the subject, but had learned that the Government intended to accede to his Motion in the same manner that the right hon. Gentleman came to the knowledge of that fact. The Lord President of the Council in the other House had stated that it was the intention of the Government to accede to it. On the following evening an hon. Gentleman, who sat on the same side of the House as the right hon. Gentleman the Member for Horsham (Mr. Seymour FitzGerald), made a very able speech, and urged upon him (Sir De Lacy Evans) to pursue the course he had adopted, and to press for the Committee of Inquiry, and he asked the Government to ratify the statement of the President of the Council. Upon this the right hon. Gentleman the President of the Board of Control rose and did ratify that statement, and said that the Government would not object to a Committee; and that was his (Sir De Lacy Evans's) whole knowledge of the matter, and all the diplomatic arrangement of which he had been guilty. There was no foundation whatever, therefore, for the insinuations of the right hon. Gentleman, which he was astonished that the right hon. Gentleman should have made, for he was so fortunate and felicitous as to agree on this question with the right hon. Gentleman, and it was rather ungrateful of the right hon. Gentleman to attack him in this violent manner. He congratulated the right hon. Gentleman that he had found an opportunity of making part of his speech, and if it had not been so long as it otherwise might have been, it was certainly very effective as far as it went.

MR. BENTINCK said, he did not rise to prolong the discussion, but he wished to enter his protest against the position in which many hon. Members might find themselves, in consequence of the course which had been taken with regard to this Motion. He could not agree with the hon. and gallant Member for Southwark (Sir Charles Napier), that there was no better way of sifting a question of this sort than by means of a Select Committee; for his (Mr. Bentinck's) experience had taught him that when a question was raised against a Government the surest way to shelve it was to refer it to a Select Committee; and the noble Lord had exercised a wise discretion in acceding to this

Motion. As he (Mr. Bentinck) thought that referring the question to a Select Committee was only shelving it, he must guard himself and other Members, in case they were called on to divide on the Amendment, and did not have an opportunity of going to a division on the original Motion, for they would be in the position of being able to record their opinions on a portion of the Motion without an opportunity of voting on the whole of it. If the arrangement originally proposed—that there should be no discussion, and that the Committee was to be agreed to—had been carried out, he should not have troubled the House; but, as it was, he felt bound to say that there ought to be an opportunity given to hon. Members to express their opinions on the original Question.

Sir JAMES ELPHINSTONE said, that he thought that an opportunity ought to have been afforded for going into the whole of this question, as it was a long time before the Committee could report, and there was a strong feeling on the subject in the country. He himself entertained a very strong opinion with regard to it, for although large bodies of troops could not be forwarded over the Isthmus of Suez, yet a beginning might have been made sooner than it was. It was confidently asserted that Bombay steamers were kept ready coaled, in order that they might be sent to Suez as soon as information should be received that troops could be forwarded by that route. He himself crossed the desert before it was a fashionable amusement to do so, and he could assert that it was by no means physically impossible for troops to cross at that season of the year. There were large and convenient barracks at Cairo, to which place the troops might have been conveyed by railway, and although there might have been some difficulty in crossing the twenty-five miles of desert at the further end, yet troops might, by a forced march, have accomplished that distance during the night, and have gone on board ship next morning. In this way 100 or 150 men might have crossed at a time, and 400 or 500 might have been forwarded by each of the monthly steamers. In passing down the Red Sea they would have had calm weather, and though probably it would have been very hot, yet the temperature would not have been so great as that experienced by their brother soldiers before Delhi. After passing the Straits of Babelmandeb they would have got a strong breeze from the south-west, which would have carried them speedily and comfortably to Bombay, whence they might in a few hours have been transported into, probably, the most delightful climate in the world. From these premises he drew the conclusion that the Government ought much earlier to have sent troops by the Isthmus of Suez. As to the relative merits of sailing and steam ships, he believed that from the month of February to that of April sailing ships, such as the *James Baines* and the *Sovereign of the Seas*, might make the voyage to India in seventy or seventy-five days; but in the summer time, when calms extended down to the north-east trade wind, and the wind blew lightly, it was a great oversight not to have towed these ships to the southward. He did not think that sufficient expedition was shown in taking up the steamers which performed such good service in the conveyance of troops to the Crimea, and this, as well as other neglects, he attributed to the abolition of the Transport Board, which was formed, and had proved so efficient, during the late war. That Board was in possession of various documents and data, which showed the various powers of every merchant steamer, so that it could at once have laid its hand upon the best and most powerful vessels. If that Board had been still in existence, he believed that troops would have been forwarded in a much shorter period than they had been. In conclusion, he could not but express his disappointment that some member of the Government had not made a comprehensive statement of things as they now stood.

Mr. WILLIAM VANSITTART said, he would express a hope that the inquiry which was about to take place would be full and comprehensive. He thought that it would be proved that the Government had made a mistake in not availing themselves of the overland route for sending troops to India at an early period. It had since been proved, in the case of the 97th regiment, that such a course was quite practicable, and in one instance 300 artillerymen had passed from Alexandria to Suez in twenty-six hours. As to the heats in the Red Sea, he believed that the troops would have suffered no more, or so much from heat, than they must have done under the equator in the transit by sea. The Pacha of Egypt was quite ready and willing to assist us in the transit of our troops, and it had been stated that he was ac-

customed to send 300 of his troops from Alexandria to Cairo in one train.

MR. MARSH observed, that having twice passed along the Red Sea, he was able to say that he never experienced such discomfort and suffering as during that transit. He had been in Australia when the thermometer was at 110 degrees, but there his appetite was good, and he could do anything; but in the Red Sea the effect of the heat on the human frame was very great—the appetite failed—and there was a depression of the system peculiar to the climate, which would render any soldiers unfit for fighting for weeks after the passage. He had passed during the cool season, and much as he suffered, he was told by the officers of the ship in which he sailed, that he could not conceive the misery which was endured by passengers during the hot season; and if that was the case in a well-fitted and ordered passenger-steamer, what must be the case in a crowded troop-ship?

LORD ADOLPHUS VANE-TEMPEST expressed his belief that the country would be disappointed when they knew that the whole conduct of the Government with regard to the reinforcement of our army in India had been referred to a Select Committee, instead of being discussed in that House. Last year, on the breaking out of the Indian mutiny, the Government proposed an addition of 2,000 men to the army; and, as most of the operations which were expected must have taken place on land, he had said that it was strange that the Government had made no statement with regard to the measures they proposed for carrying on those operations on land. He had also, on more than one occasion, appealed to the Government to send out the troops in steamers, but he was told by the First Lord of the Admiralty that sailing vessels were better than steamers at that time of the year; time, however, had shown how fallacious that opinion was. Hon. Members on his side of the House, following in the wake of the hon. and gallant General, and the hon. and gallant Admiral (Sir C. Napier), had pressed on the Government the necessity of looking the crisis in India in the face; but they could get no satisfactory reply from the Government, which pursued its own course. He should have been glad to have been able to think that an investigation into this subject by a Select Committee would be the best course; but, at any rate, he hoped that opportunity would be taken by the Government to make some statement with regard to the measures they were taking for the future. By the last accounts from India, Sir Colin Campbell was stated to be prevented from realizing the great results which his military genius would have secured by the want of men. It was to be feared that the unfortunate motto, "too late" would be found as applicable to the proceedings of the Government in India as it had been in the Crimea. He trusted that some hon. Member of more influence than himself would induce the House to press upon the Government the necessity of adopting some means for adequately reinforcing the army in India, and thus enable our generals to retrieve our position, and restore peace and tranquillity in that country.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:* Ayes 147; Noes 78: Majority 69.

Main Question put, and *agreed to.*

LONDON CORPORATION BILL.

BILL PRESENTED.—FIRST READING.

SIR GEORGE GREY said, that in moving for leave to bring in a Bill for the better regulation of the Corporation of the city of London it would be unnecessary to occupy the time of the House with any protracted observations, because the Bill was in its main features the same as that which he had laid upon the table on a former occasion, and the nature of which he then fully explained. There were some modifications to which he should briefly call attention. The Bill which was introduced before was based upon the recommendations of a Commission of inquiry, who had gone fully into the subject. It did not embody implicitly those recommendations, but departed from them in certain particulars, upon which, after full consideration, it was thought desirable to propose other enactments. The object of the Commissioners was to apply to the City of London a measure similar in principle to the Municipal Corporation Act, but subject to such alterations as the peculiar circumstances of the Corporation of the city of London made expedient. It was proposed in accordance with the recommendation of the Commissioners, to provide for the division of the city into sixteen wards, of about the same area and of about the same population, so as to avoid the great inequality in the twenty-six wards which now existed. It

was proposed that the main governing body, as in other municipal boroughs, should be a common council, to consist of the Lord Mayor, aldermen, and common councillors. The present number of common councillors was 232. It was proposed in the previous Bill that each of the sixteen wards should elect one alderman and five common councilmen. In communications which he had since had with persons connected with the city he had been very much pressed to enlarge the number of common councilmen, and upon consideration it had been determined that instead of each ward electing five, each ward should elect six, which would give 112 common councilmen, as compared with the present number of 232. The constituencies of the common council would be altered and extended. Upon that point, he was happy to say, there was a perfect agreement between the recommendation of the Commission, which was the proposal in the Bill, and the opinion which had been expressed in Resolutions adopted by the common council, and in a Bill which they laid before the House. The qualification would be the rated occupation of a house or premises of the annual value of £10, doing away with the restriction which at present required every elector to be a freeman of the city, and on the Parliamentary register of burgesses. It was proposed that the common councilmen should be elected annually. With regard to the election of aldermen, there was a departure from the recommendations of the Commissioners and the proposal in the former Bill. The Commissioners said they did not think it right, for several reasons to which they adverted, to propose that the same rule should be adopted which was adopted with respect to aldermen in other boroughs. Aldermen of London occupied a very different position. It was well known that they exercised magisterial duties. The Commissioners recommended that, instead of making the tenure of office the same as that of aldermen in other municipal boroughs, they should hold office for six years; they also recommended that they should continue to act as magistrates, and be eligible for re-election at the end of those six years of office; and that power should be given to the corporation to apply for the appointment of stipendiary magistrates similar to the power which existed and was exercised in other corporate towns. With regard to this arrangement, however, a difficulty, which he stated on a former occasion, and which pressed very much upon him, arose out of the consideration that it was opposed to the principle hitherto universally recognized in this country —that no class of persons exercising magisterial functions should be subject to continual election and re-election. There was no such instance except that of the mayor of a borough, who, during his year of office and the year succeeding, was a magistrate, but then ceased to be a magistrate, and was not very frequently re-elected mayor. On the whole, then, he had been led to the conclusion that it was better not to make any alteration in the existing tenure of office of aldermen of London. He should propose that they be elected for life, and retain their magisterial duties; but he should add a proposal which had emanated from the common council, and which he thought wise, to vest a power in the common council, upon the petition of a majority of the constituency of the ward for which he was elected, and for cause shown to have arisen since his election, to remove any alderman from office. This, he thought, would be the best solution of the difficulty, adopting the recommendation of the Commissioners as to the magisterial functions of the aldermen, and giving the corporation the power, if it chose, of applying for the appointment of stipendiary magistrates. The recommendations of the Commissioners in regard to the office of Lord Mayor had been embodied in the former Bill, and in the present Bill also. Instead of requiring the Lord Mayor to be elected from among the aldermen, and from among those aldermen who had filled the office of sheriff, any person possessing the qualification of a common councilman would be eligible. He would be chosen by the common council. The qualification of the sheriffs would be the same as that of the Lord Mayor, and the right of election would be transferred to the common council. The election of all the chief officers of the corporation would be in the common council, with the exception of the Recorder. In all other municipal boroughs the Recorder was an officer appointed by the Crown, but in the city he was elected by the aldermen, who had exercised their duties in this respect with a great deal of discretion. Objections had been made to the proposition to transfer the election of that officer to so large a body as the common council, and upon consideration it had been thought

Sir George Grey

best to continue it in the smaller body. The Court of Aldermen would be abolished as a separate body, and the Lord Mayor and aldermen would no longer form part of the Central Criminal Court. The restrictions of the Municipal Corporations Act on charging or alienating corporate property would be extended to the city. The Bill, also, contained clauses abolishing all exclusive rights of trading, street tolls, the right of metage, and the exclusive right of the fellowship of porters. Some clauses contained in the former Bill, with regard to the local courts, were not in this Bill, because those provisions had been embodied in a private Bill introduced by the Corporation last Session, and passed into law. The same observation applied to the question of the conservancy of the Thames, which had also been settled in the course of the last Session. Another important difference between this Bill and the last was, that this Bill did not contain any provision relating to the coal duties. There were three of these duties. The first was one of 4*d.* per ton, which was claimed by the City as part of its estate, subject to a charge of nearly £600,000. It would be a long time before this charge could be cleared off, and there could therefore be no immediate benefit derived from its abolition. The former Bill proposed that this duty, when the charge was cleared off, should absolutely cease, but since that Bill was before the House a question had been raised with regard to some other boroughs claiming certain dues as property, which was exactly the same in principle, and a Bill proposing to deal with certain dues which were claimed by corporations as part of their estates, had been withdrawn. Although the question, so far as Liverpool was concerned, had been settled by compromise in the course of last Session, the general question had not yet been decided by Parliament. He did not think it fair, therefore, to ask the House to give an opinion upon it in this Bill, and, as it would be long before the public really could receive any relief from dealing with this duty, he had not introduced any provision relating to it into the Bill. The other two dues were one of 8*d.* and one of 1*d.* per ton. In neither of these was the City of London interested at all, and from neither did it receive any benefit. The first was subject to a charge of £12,000, and the second, subject to charges for collection, was payable to the Commissioners of Works for Metropolitan Improvements, and both would expire in 1862. As the time when they would expire was so near he had not dealt with them in the former Bill, and he did not propose to deal with them in the one he then sought to introduce. These were the general provisions of the Bill, which he would have stated at greater length had they not been already presented to the House on a former occasion. The delay which had occurred in passing a Bill for the reform of the Corporation had at least had the good effect of bringing the Government and the Corporation of London into closer agreement. From communications he had had with the representatives of the Corporation—he did not mean the Parliamentary, but the Corporate representatives—he was led to believe that, although on some questions, especially that relating to the qualification of the Lord Mayor and the mode of his election, there would be a difference of opinion, there would be no objection to the principle of the Bill, and there was, consequently, reason to hope that the details of the measure would be fairly and temperately discussed in Committee. Indeed, he would add that an application had been made to the Government by the Corporation to allow them to bring in a Bill embodying the chief provisions of this measure in the form of a private Bill. He had not thought it desirable, however, that it should be dealt with as a private Bill which would withdraw its provisions to a certain extent from the cognizance of the House, and he had felt it his duty to introduce it as a public Bill. The right hon. Baronet then concluded by moving for leave to bring in the Bill.

ALDERMAN CUBITT said, he had heard with satisfaction much that had fallen from the right hon. Baronet, but he had to add, that he dissented from some of the details of his measure. For instance, he did not think that the House of Commons would sanction the removal of the right of electing the Lord Mayor from 14,000 liverymen and ratepayers to the common council. Neither did he approve of the provision which excluded the Lord Mayor and aldermen from the Central Criminal Court. It was of great importance to the administration of the criminal law in the city that the aldermen should have every opportunity of becoming intimately acquainted with that law, and they had always derived the greatest benefit from sitting in the Central Criminal Court by the side of the Judges. He did not think it expedient to

throw open the office of Lord Mayor to all persons. It was very desirable that that functionary should be chosen from among those persons who had had considerable experience in the business of the city, and according to the present practice the Lord Mayor had generally served about ten years as an alderman before his election.

Mr. WILLIAM WILLIAMS said, he was not surprised at the general approbation which had been expressed at the measure. He hoped, however, that the Court of Aldermen was not to be continued as a distinct court. [Sir G. Grey: Certainly not.] He must protest against the continuance of the 4*d.* coal due, to which the city had no right whatever. The debt for which it had been granted had been extinguished long ago. When the corporation was first founded all the population of London was comprised within the city walls; but now the city population did not form one-twentieth part of the population of the metropolis, and he contended that the limits of the Corporation ought to be extended so as to represent the whole of the metropolis.

Mr. M'MAHON said, he hoped that the right hon. Gentleman the Home Secretary would introduce some provision to appropriate the property of the Irish Society to its legitimate uses, as recommended by the Commissioners who had inquired into that subject.

Lord JOHN RUSSELL remarked that he had heard with great pleasure the statement of his right hon. Friend the Secretary of State for the Home Department, and was glad that he had approached nearer to an agreement with the Corporation than he had done when he introduced his previous Bill. He thought that the alterations which his right hon. Friend had made in his former Bill were very expedient, and he was glad that the aldermen were to be elected for life instead of for six years, as was before proposed. He thought likewise, that questions of property ought not to be lightly interfered with by that House; and he was glad, therefore, that the subject of the coal dues was not to be included in the Bill or to be hastily decided by the provisions of a measure to which they did not necessarily belong. On the other hand he regretted to find that the election of the Lord Mayor by common hall had not been preserved; and in that respect, and that alone, he should probably differ from the Government when the Bill got into Committee. With regard to the city of London, they must always recollect that the corporation had, by its struggles at a most critical period of our history, shown its attachment to the constitutional liberties of the country. He did not wish, therefore, to carry changes in that body to any greater extent than were necessary.

Sir JOHN SHELLEY said, he wished to ask of the right hon. Gentleman the Secretary for the Home Department whether he proposed that there should be an amalgamation of the police of the city with the rest of the metropolitan police. That was a change which every person very earnestly desired.

Sir DE LACY EVANS said, he also would express his conviction of the desirableness of that measure of police reform.

Sir G. GREY said, that there were no provisions in the Bill relative to the police. He had stated so fully, when introducing his former Bill, his reasons for not including a clause of that description, that he had not thought it necessary to repeat them now.

Leave given.

Bill brought in by Sir George Grey, Viscount Palmerston, and Mr. Massey; and read 1°.

PUBLIC HEALTH ACT (1848) AMENDMENT BILL.

SECOND READING DEFERRED.

Mr. COWPER moved that the Second Reading of this Bill be postponed to Monday next, as several hon. Members who felt an interest in the subject were not prepared to discuss it that evening.

Sir GEORGE PECHELL said, the Bill had only been printed since the adjournment of the House in December, and, therefore, he hoped that a longer period than Monday would be given. The Bill was an improvement on the former one; still, these Bills were a source of constant worrying to the people, and ought not to be sanctioned.

Sir HENRY WILLOUGHBY said, the Bill consisted of 186 clauses. He thought that the Board of Health had been dead and buried, but now it was proposed to continue it for a period of five years. He trusted that a longer time would be given for considering the provisions of the Bill.

Mr. COWPER said, it was his wish to meet the views of hon. Members upon this subject. The Bill was printed six weeks since; and, though it was a long Bill, it

was in substance the same as the one of last Session, and not much different from the Bill of 1855. If it were postponed for a longer period it would not meet with such a full and fair discussion as in the early part of the Session.

Motion *agreed to.*

House adjourned at half-after Seven o'clock.

HOUSE OF LORDS,

Friday, February 5, 1858.

MINUTES.] 1ª Imprisonment for Debt Abolition; Church of England Special Services.

PASSPORT SYSTEM.—QUESTION.

EARL STANHOPE said that, seeing the Secretary for Foreign Affairs in the House, he wished to draw attention to the subject of passports. He had read in the newspapers the circular issued by Her Majesty's Government respecting the alterations proposed to be made by the French Government in regard to the issue of passports by French consuls in this country. The result would be, that in future the French consuls would in this country only issue passports to French subjects, and not to British subjects, as had heretofore been the case. He wished to know what course was to be pursued with respect to the consuls of other nations besides France, because he apprehended considerable inconvenience might ensue to British subjects who might take passports from the Belgian consul, for example, and when they wished to return through France, would find their passports not available. Now that this occurrence had arisen, it afforded a favourable opportunity to put an end to a great anomaly, that of British subjects going abroad with foreign passports. It would be infinitely better if those British subjects went abroad provided with passports from their own Government. There was a time when it was difficult to get a Foreign-Office passport, for the price was then inordinately high; while other foreign Ministers issued passports without charge at all. He remembered that when he was Under Secretary, the charge for a Foreign-Office passport was no less than £2 16*s.* or £2 17*s.*; but that charge being naturally complained of, the charge had since been reduced to 7*s.* 6*d.* Foreign consuls continued to issue passports as before, requiring payment for them. Under these circumstances he wished to ask his noble Friend what course would be taken now that this occurrence had taken place. He thought it a favourable opportunity for instituting a new system, and he was sure it would be for the common interest that British subjects should, as a rule, travel with passports obtained from their own Government.

THE EARL OF CLARENDON, in answer to his noble Friend, had only to say that, a few days ago, the French Government informed us that it was intended to put an end to the system under which the French consular agents in this country had been in the habit of granting passports to British subjects. He should say that he had expressed his entire concurrence in the view of the French Government, if it was intended to at all rely on any safety that passports could effect; because, under the system lately in force, any person calling himself a British subject might obtain from any French consul in this country a passport, without inquiry as to the nationality of the man, still less as to his character. Again, these passports might be passed from hand to hand; and the person whom a foreign Government might have most reason to dread—who might be most dangerous to that Government—might go over and travel through the Continent as a British subject. Certainly there could be no greater anomaly than this; and that had been strikingly shown in the case of parties who went to Paris to rob different jewellers, and were subsequently arrested at Southampton with the stolen property in their possession. The British Government had never asked for the adoption of the late system; and, indeed, it had proved very inconvenient to them on several occasions: when a number of labourers, hearing that labour was required in France, were in the habit of getting passports from the French consular agents in England; of proceeding on those passports to France, and then finding that they had been deceived, and that there was no employment for them, and being reduced to great poverty, they were obliged to be brought back at the expense of the British Government. This Government did not interfere with the system because they attached no importance to passports. Any person might enter or depart from this country without a passport. It was not the intention of the Government to inter-

fere in this question of passports if Foreign Governments thought that the system afforded them any security, nor could they prevent Her Majesty's subjects from getting passports when they pleased; but he thought that persons travelling in future with passports granted by foreign consular agents would be exposed to those inconveniences which had been pointed out by his noble Friend; and, therefore, while Her Majesty's Government would not interfere to prevent the issue of those passports, they would invite the discontinuance of the system of granting them. He thought, too, that British subjects would find it their interest to give up obtaining those foreign passports, because a British passport must, in the hands of an Englishman, have more weight on the Continent than a foreign one. By the recent circular, issued by the Government, it would be seen that while they gave every facility for the procuring of Foreign-Office passports, they required that the party applying for one should have a character given him by some one in authority, or some one known in the country, as a sort of guarantee. Therefore there could be little doubt that the system of obtaining foreign passports would be abandoned in a short time, because British subjects would find it was more to their advantage to take Foreign-Office passports. It was the intention of Her Majesty's Government to invite other Governments to abandon the existing system of granting passports to British subjects through their consular agents. It was quite true, as had been observed by his noble Friend, that some years ago the expense of a Foreign-Office passport was enormous; but this arose, not from the additional value of that description of passport, but in consequence of the existence of certain fees which were charged on these documents. For some time, however, the expense had been reduced to 7*s.* 6*d.*, of which 5*s.* was stamp duty paid into the Exchequer, and the additional half-crown went to defray the expense of the establishment. He had, however, made inquiries, the result of which had convinced him that, even making provision for the payment of the additional hands which should be employed in consequence of the issue which was likely to take place, a sum of one shilling over and above the five payable as stamp duty, would be sufficient to make the issue self-supporting, and this was all the Government wanted it to be.

The Earl of Clarendon

NAPLES.—QUESTION.

Earl GREY *presented* a petition from the inhabitants of Newcastle-upon-Tyne, complaining of the harsh treatment inflicted on Park and Watt, the two Engineers now on their trial at Salerno on a charge of aiding in an attempt at insurrection in the Neapolitan territory, which treatment the petitioners regarded as an insult to the British nation, and praying the interposition of the British Government. His Lordship added that he could not present the petition without expressing his opinion that there had been ground for the dissatisfaction which the petitioners expressed as to the manner in which the two men in question had been treated by the Neapolitan Government. It seemed monstrous to him that two British subjects who did not voluntarily place themselves within the dominion of the King of Naples, but were, on the contrary, taken there by force, should for some months, while awaiting their trial, have been compelled to undergo a punishment which in this country would have been considered sufficient for offences of some gravity. He thought it a subject for grave dissatisfaction that English subjects should be so treated, and he could not help believing that Her Majesty's Government had been prevented from interfering in their behalf to the extent they might otherwise have done by the ill-advised course which they had pursued towards Naples, and which had now precluded their having any Minister at Naples, by whom the treatment of the persons in question could have been brought before that Court in a manner to insure a satisfactory redress.

The Earl of CLARENDON: My Lords, after the observations which have fallen from my noble Friend I think it necessary to trespass for a few minutes upon your Lordships' time. As this affair of the British engineers has justly excited very great interest throughout this country, I hope your Lordships will permit me to state the circumstances connected with their case. I can assure my noble Friend, in the first place, that these men have not suffered in any respect from the interruption of our relations with the Neapolitan Government; and I must do that Government the justice to say that their communications with Her Majesty's Government on the matter now under consideration have been frequent and courteous. The facts are these. On the 27th of June last the *Cagliari*, a coasting steamer,

trading between Genoa and Tunis, was seized about sixty miles from Naples by some Sicilians on board, carrying arms. After taking possession of the vessel they proceeded to the island of Ponza, attacked the commandant of the place, overpowered the small garrison, and released some prisoners, whom they took on board with some pieces of artillery, 300 or 400 muskets, and some ammunition. It has only been quite recently that we have had accurate information as to the manner in which the *Cagliari* fell into the hands of the Neapolitan Government. It appears that after the Sicilians abandoned her the captain determined to take the vessel to Naples and inform the Neapolitan Government of all that had passed. He, therefore, steered for Naples; but before he arrived there he fell in with two Neapolitan frigates, on one of which he went on board and surrendered the vessel to the captain. I believe that this took place out of the Neapolitan dominions, being at a point more than six miles from the Neapolitan coast, and, consequently, not in the Neapolitan waters; and the Sardinian Government having ascertained this fact, have lately made a claim for the restoration of the *Cagliari*, which will of course include that of the men. The first that I heard of there being any English subjects on board the vessel was by a letter addressed to me by one of the hon. Members for Newcastle-upon-Tyne, who stated that an English engineer named Watt had been made a prisoner at Naples. On the day on which I received that letter I wrote to the acting Consul at Naples, desiring him to do all that was in his power to afford protection to this individual, and to secure his fair treatment, and to represent at the same time to the Neapolitan Government that, as he was simply an engineer on board the vessel, it was highly improbable that he could have had any improper design in connection with the expedition. Latterly I received a letter from Mr. Park, the father of the other engineer, making a similar request with respect to his son, and I sent out similar instructions to the acting Consul as to him. The Consul, however, informed me that he was not permitted to have access to the prisoners. I then directed him to write to M. Carafa, the Minister for Foreign Affairs, asking to be permitted to have intercourse with the engineers, and desiring also that they should be allowed to select their legal advisers, and that their trial should be hastened. M. Carafa replied in courteous terms that according to the Neapolitan law it was necessary that all the interrogatories and preliminary inquiries should in all instances be conducted in secret; that until they were completed and the indictment published, it never was the custom to permit prisoners to have access to those who were to conduct their defence, and that he could not make any exception in favour of British subjects; but he said that the acting Consul should be at full liberty to be present at the trial, that the trial would be public, and that he could select the legal advisers of the prisoners. In addition to this the Procureur General at Salerno, where the trial was to take place, informed the Consul towards the latter end of October that the relatives of the engineers would be permitted to see them; and as soon as I heard this I wrote to Mr. Parks proposing that he should avail himself of this permission; I also procured him a passage to Naples, and desired the Consul there to afford him every facility. I likewise wrote directly to M. Carafa, informing him that this case was one of great anxiety to Her Majesty's Government, that it had created painful sensations throughout the whole of this country, and that although it was not the intention of Her Majesty's Government to interfere with the Neapolitan law, and that that law should take its course if, unfortunately, those British subjects had made themselves amenable to it, yet we did complain that their sufferings were aggravated by not having been allowed to communicate with their friends, and we did regret the delay which had taken place in bringing them to trial. I received from M. Carafa a courteous letter, explaining to me the reasons which had prevented them up to that time having access to their families, and assuring me that no delay should take place in the trial. Eleven men of the crew of the *Cagliari* were by this time liberated, and the Sardinian Government, at our request, had the depositions of those men taken, which showed that Park and Watt had nothing to do with the object of the expedition, and that, on the contrary, they were compelled by force to work the engines. Those men were also sent to Naples as witnesses in behalf of the engineers. One of the chief accusations against them was that on one of them (Park) a letter from Miss White was found, which showed they were cognizant of the insurrection; but that lady has

very properly published a letter in the newspapers lately, stating how it came that that document was found in their possession. It appears, from the explanation given by Miss White, that on the eve of the *Cagliari* leaving Genoa it was discovered that the engineers were English; that the captain had never seen either of them, and did not know their names; and that, as it was necessary that the whole crew should understand the reason of the seizure of the steamer, the captain, who could not speak English, dictated to her a letter stating what he wished them to do, which she translated. This paper was thrust into their hands, and they were compelled to work the engines with pistols at their heads. I have seen the indictment. It has been published within the last few days and sent here, and I must say it is very satisfactory, because it contains no charges whatever against the engineers, and there can be no doubt of their acquittal if their trial is conducted with ordinary fairness and impartiality. There are three charges made against them. The first is, that upon them was found this letter of Miss White. That can be easily explained. The second is, that they were without passports, it being the invariable rule not to give them to foreign engineers, it being considered sufficient that they should be borne upon the muster roll of the crew, as was the case with Parks and Watt. The third charge is, that the engineers must have been in complicity with those who seized the vessel, or they would have carried the steamer to Tunis—it appearing that the law advisers of the Neapolitan Government are under the belief that a vessel is steered by the men directing the engines. I have gone into these details in order to show to my noble Friend and to the public what have been the steps taken with respect to a case which I can assure your Lordships has been the cause of great anxiety to Her Majesty's Government, as well as of great and general interest to the whole country. I hope and believe no step has been omitted which could have tended in any way to alleviate the sufferings or to accelerate the trial of these men. We acted under the advice of the law officers of the Crown, and we could not deny the right of the Neapolitan Government to consider as amenable to their laws all those persons who directly or indirectly had been concerned in this rash expedition, and whom they have taken prisoners. I know it has been said that we should have taken more vigorous measures; but we had no right to claim of the Neapolitan Government to depart from the ordinary procedure of their laws, or that they should permit the friends and relatives of the engineers to have access to them sooner than those laws allowed; although I must say our requests upon that head were not unavailing, for the relatives of the prisoners in question were allowed access to them long before the usual period. I am afraid these prisoners have undergone considerable hardships, but I also believe that, according to Neapolitan notions, they have not been ill-treated. I firmly believe it was not the intention of the Neapolitan Government to ill-treat them in any way, and the treatment they have received has been such as caused them to be objects of envy to many natives of that country. I have only further to add that the trial has begun, and, looking to what can be the only evidence against them, I trust we may expect our unfortunate countrymen will speedily regain their liberty.

Petition to lie on the table.

MARRIAGE OF THE PRINCESS ROYAL.—ADDRESS TO HER MAJESTY.

EARL GRANVILLE: My Lords, I rise to perform the agreeable duty of proposing a Motion which I am sure will not only be not opposed, but will be cordially and unanimously assented to by your Lordships. I rise, my Lords, to move that an humble Address be presented to Her Majesty, congratulating her on the nuptials of her Royal Highness the Princess Royal and his Royal Highness Prince Frederick William of Prussia. The nation at large has testified its sentiments of loyalty and sympathy with Her Majesty upon the recent nuptials of Her Royal daughter; it has done so in every possible manner,—by public demonstrations, by the language of public writers, by the addresses from public bodies of every description. It only now remains for Parliament to perform the same pleasing duty. It is the less necessary for me in this House to dilate upon the subject, from the fact that many of your Lordships have had opportunities greater than the general public of remarking those qualities which have deservedly made Her Majesty so popular in this country, and especially of those private virtues which have made every event concerning

her and her illustrious family a subject of deep interest in the domestic circles of this country. Some of your Lordships have also had opportunities of remarking those qualities of character and mind which Her Royal Highness the Princess Frederick William of Prussia has inherited, and which gives a certain promise that she will discharge every public duty with honour to the country from which she sprung, and that the union which has been sanctioned by her personal choice will be a happy one. There is no doubt, my Lords, that in free countries, where representative institutions prevail Royal alliances have not the same effect on the happiness or the prosperity of the people, which they have in countries under more absolute government, and where public opinion is less loudly expressed. In the latter countries it frequently happens that the power of a kingdom is increased or diminished by a Royal alliance, sometimes leading to happiness, sometimes to misery; but upon the present occasion there is no need to anticipate anything of that kind, although it has an influence which your Lordships have, doubtless, not failed to perceive. The display of popular feeling which has accompanied the marriage cannot but be extremely gratifying to both countries. I know of no way in which the people of this country could have shown a stronger interest in the recent happy event than they have done. I happen to know from his Royal Highness himself that Prince Frederick William was more touched than even by the loud congratulations and hearty hurrahs of the multitude, by the circumstance that, upon every occasion when they came into public, from those of every class who surrounded their carriage, he heard the simple phrase of "God bless you!" addressed to the Princess as to a near and dear relative about to be separated from her family. I think we may safely believe that upon this very day the illustrious young couple are being received with equal warmth and enthusiasm in that country which is now the Princess's adopted home, and I can't help thinking that where feelings of this nature have been evoked in two countries having already many resemblances, it must tend to produce that friendly feeling which it is most desirable should exist between all neighbouring nations. Convinced that your Lordships cordially agree with me in most affectionate sympathy with Her Majesty, and most fervent desires for the future happiness of the illustrious young couple, I beg to move

That an humble Address be presented to Her Majesty, to congratulate Her Majesty on the happy Nuptials of Her Royal Highness the Princess Royal with His Royal Highness the Prince Frederick William of Prussia; and to assure Her Majesty of the satisfaction which this House feels at an event so gratifying to Her Majesty, and which they trust will be so conducive to the domestic happiness of Her Royal Highness.

THE EARL OF DERBY: My Lords, in unanimously agreeing to the Motion of the noble Earl, as I am sure you will, you are only giving an evidence of what is, without exception, the wish of the whole people of this country. I don't believe that ever in the history of the world has there been any Royal Princess at so early an age who had so well earned and secured to herself so large a portion of the public sympathy and affection as the illustrious Princess who has lately left us. I believe, too, that the general sympathy and spontaneous affection which have been shown by the public are fully justified by the private character and the private virtues of that amiable Princess. She has, indeed, well profited by the lessons she has received and the example she has had in her Royal parent. I believe all those who have had the honour of anything like an intimate acquaintance with her Royal Highness will concur in bearing the highest testimony not only to the amiability of her disposition and the sweetness of her temper, but also to her thorough appreciation of the duties attaching to her station and conscientious determination to discharge those duties faithfully and completely. I do not believe that any Princess ever left these shores attended by such unanimous expressions of goodwill and sympathy. The whole country will, I am sure, join with your Lordships in expressing the sentiment which must animate us all—an anxious and earnest hope that the illustrious Princess may long be the pride, ornament, and happiness of that country to which she has gone, and that there may be no limit to her happiness except that it may not be so great as ever to lead her to forget the country of her birth.

LORD BROUGHAM, while heartily concurring in the proposed Address, would not allow the opportunity to pass of protesting against the Royal Marriage Act, which he could not but consider as a most immoral Act.

Address *agreed to, Nemine Dissentiente.*

EARL GRANVILLE said, it would be no doubt as gratifying to their Lordships as it would be to Her Majesty that the Address should be presented by the whole House. He proposed, therefore, that they should meet at two o'clock to-morrow for that purpose.

Agreed to; and the said Address was ordered to be presented to Her Majesty by the whole House.

IMPRISONMENT FOR DEBT ABOLITION BILL.

BILL PRESENTED. READ 1ª.

LORD BROUGHAM *presented* a Bill, the object of which he stated to be to abolish the punishment of imprisonment for debt; to extend the laws relating to bankrupts to the case of non-traders, and to give further remedies to creditors for the purpose of securing the punishment of fraudulent debtors.

LORD CAMPBELL expressed his approval of the objects which the noble and learned Lord proposed to effect, observing that the distinction between traders and non-traders was perfectly absurd, and that if there was a complete *cessio bonorum* upon the part of an insolvent to his creditors he ought not, in his opinion, to be subjected to imprisonment for debts which he had done everything in his power honestly to discharge. He was also extremely glad to find that his noble and learned Friend proposed to direct his attention to the punishment of fraudulent debtors, whose reckless speculations in the hope of speedily obtaining immense wealth so frequently led to the ruin of unfortunate creditors. The facilities now afforded by the law for fraudulent trading was most demoralizing to the mercantile community.

LORD BROUGHAM said, he was happy to find that the Bill had the approval of his noble and learned Friend. For his own part, he entertained no doubt that it was calculated to be productive of very beneficial results, particularly of lessening those facilities for obtaining credit which were now afforded to such an extent by imprudent traders in the hope of securing customers.

Bill read 1a.

CHURCH OF ENGLAND SPECIAL SERVICES BILL.

BILL PRESENTED.

THE ARCHBISHOP OF CANTERBURY *presented* a Bill for Special Services in the Church of England, the object being to legalise such services under certain circumstances and with certain limitations. It would, he said, be in the recollection of their Lordships that the noble Earl below him (the Earl of Shaftesbury) had shortly previous to the recess introduced to their notice a measure of a similar nature. Now, he (the Archbishop of Canterbury), as well as his right rev. Brethren near him, were unanimously of opinion that the objects which the noble Earl sought by means of that measure to promote were of a character far too important to be abandoned; while they at the same time thought that the mode in which the noble Earl proposed to carry out those objects into effect was open to material objection. Under these circumstances, he had undertaken to submit to their Lordships the Bill to which he now asked them to give a first reading, and by which he hoped the end which the noble Earl had in view would be attained, while its provisions would not give rise to the same doubt and suspicion upon the part of the clergy, and would not be liable to the same inconveniences—the result of an interference with ecclesiastical discipline—as the Bill which the noble Earl had introduced. He should simply add that it would afford both him and his right rev. Brethren the utmost gratification if the provisions of his Bill should meet with the approval of the noble Earl, and if with his aid they should succeed in securing to the members of the Church of England those increased facilities of operation which the change of circumstances and the increase of population seemed to require.

LORD CAMPBELL said, that, being a sincere advocate of the object sought, he would suggest to the noble Earl (the Earl of Shaftesbury) the expediency of postponing for some time the further progress of the Religious Worship Act Amendment Bill, which stood for second reading for Monday next in his name, in order that their Lordships might be afforded an opportunity of examining previously the provisions of the Bill which the most rev. Prelate near him had just submitted to their notice.

THE EARL of SHAFTESBURY was understood to say that in his opinion both Bills might very fairly, and without any inconvenience, stand for second reading for Monday, when they could be discussed together.

LORD CAMPBELL said, the interval between that evening and next Monday was

too short for the consideration of a subject of such grave importance.

THE ARCHBISHOP OF CANTERBURY said, that he should, under these circumstances, take care that his Bill should be printed and in their Lordships' hands to-morrow morning.

Bill read 1ª.

House adjourned at a quarter past Six o'clock, till To-morrow, Two o'clock.

HOUSE OF COMMONS,

Friday, February 5, 1858.

MINUTES.] NEW WRIT for Northampton County (Southern Division), *v.* Viscount Althorp, now Earl Spencer.

NEW MEMBER SWORN—for Northampton County (Northern Division), George Ward Hunt, esq.

1° Tay Fisheries; East India Loan.

RELIEF OF LUCKNOW—MR. CAVANAGH.

QUESTION.

COLONEL FRENCH said, he would beg to ask the Under Secretary for War if it is the intention of the Minister for War to advise Her Majesty to confer any mark of favour on Sergeant "Caraugh" (Cavanagh), of the 88th, for his gallantry in passing through the rebel army with important information from Lucknow to Sir Colin Campbell?

SIR JOHN RAMSDEN said, he thought the hon. and gallant Gentleman was under some misapprehension as to the identity of the individual to whom his question referred. He (Sir J. Ramsden) had inspected the muster roll of the 88th regiment, and found that no sergeant of the name of "Caraugh" was borne on its books. He also believed, seeing what was the position of the 88th regiment at the time, that it would have been impossible for any man belonging to it to have been within the walls of Lucknow, as the regiment itself had been left with General Windham's force at Cawnpore; but, in a general order, dated the 10th of December, 1857, issued by the Governor General of India, he found the following paragraph relating to a Mr. Cavanagh:—

"His Excellency the Commander in Chief mentions with just appreciation the valuable aid which he received from Mr. Cavanagh, of the uncovenanted civil service; and the Governor General in Council offers his special thanks to Mr. Cavanagh, whose conduct will be borne in mind by the Government."

He might further say that he was not aware that the Governor General had sent home any recommendation relating to Mr. Cavanagh; but, if he did, of course it would receive the attention which it deserved.

WEIGHTS AND MEASURES (IRELAND)—GRAND JURY LAWS (IRELAND).

QUESTION.

MR. HUME said, he wished to ask the Secretary of State for Ireland, Whether he means to introduce a Bill this Session; and if so, how soon, for the better regulation of the weights and measures of Ireland? also, whether he means to introduce a Bill for the amendment of the Grand Jury Laws of that country?

MR. HENRY HERBERT said, he had already given notice of his intention to move for leave to bring in a Bill to regulate the fairs and markets in Ireland; and that measure would, to a certain extent, establish a uniformity of weights and measures. He had also prepared a Bill on the subject of the Grand Jury Laws, but he could not say when the business of the House would enable him to introduce it.

TRANSFER OF LAND—QUESTION.

SIR FITZROY KELLY said, he would ask the Attorney General, Whether it is the intention of Her Majesty's Government to bring in any Bill for the registration of titles, and the facilitating the transfer of land?

THE ATTORNEY GENERAL said, he had hoped that he should have obtained permission to introduce a Bill for the purpose of giving effect to the recommendations contained in the Report of the Commissioners on the subject of the registration of titles and the transfer of land. He believed that measure to be one of great importance, and most beneficial to the community, and that it would have rendered the registration of titles and the transfer of land as easy and secure as the registration and transfer of funded property or railway shares. He had prepared a Bill on the subject; but great difficulty had been felt with regard to the proper principle of legislation in a quarter which was entitled to the highest respect, and to which he had been bound to defer; and he could not feel that there was at present any prospect of that Bill being introduced in the current Session of Parliament. He was happy, however, to say that measures which would unquestionably facilitate the transfer of land, though less extensive in their na-

ture, would be shortly laid by the Lord Chancellor before the other House of Parliament.

THE WARRANT OF 1854—QUESTION.

GENERAL PREL said, he would beg to ask the Under Secretary of War what steps are to be taken to remedy the evils which he admitted, on the part of the Military authorities, had arisen from the operation of the Warrant of 1854?

SIR JOHN RAMSDEN said, that on the last occasion, the hon. and gallant Gentleman put this question, he (Sir J. Ramsden) stated that the subject had, for some time, engaged the attention of his noble Friend at the head of the War Department, and the authorities at the Horse Guards. They were fully aware that the Warrant of 1854 had not answered the expectations of those who framed it; but, in attempting to make any alterations in it, the points to be considered were so various, and the difficulties so extremely great, that his noble Friend had not been able to decide on any plan that would conduce to the efficiency of the service—which was the main object to be kept in view—and, at the same time, be more favourable to the interests of the officers than the Warrant of 1854. The subject was one which had caused great anxiety to his noble Friend and the Commander in Chief; but, although various projects had been considered, no satisfactory conclusion had as yet been arrived at. Of course, when it was, it should be communicated to the House.

ROYAL BRITISH BANK DIRECTORS.
QUESTION.

COLONEL STUART said, he wished to ask the Attorney General if it is his intention to continue the proceedings which had been commenced against the directors of the Royal British Bank?

THE ATTORNEY GENERAL said, that he had never hesitated in his resolution to carry on the prosecution against those parties in the most effective manner. The only doubt he had felt was, whether he ought not to have instituted other proceedings of a similar nature.

THE PRINCESS ROYAL'S MARRIAGE.
ADDRESS TO HER MAJESTY.

VISCOUNT PALMERSTON: Sir, I gave notice yesterday that I would to-day move an Address of congratulation to Her Majesty on the recent marriage of the Princess Royal. By the strict rules of the House I could not bring forward that Motion until after the Orders of the day, but I am sure it would be more agreeable to the House that it should take precedence of other business, and I, therefore, move that the Orders of the Day be postponed until that Motion is disposed of.

Motion *agreed to*. Orders postponed.

VISCOUNT PALMERSTON: I rise, Sir, to perform a duty which is no less gratifying to me than I am persuaded it will be agreeable to this House, namely, to move that this House should address Her Majesty to congratulate her upon the recent marriage of the Princess Royal with Prince Frederick William of Prussia. There has been no event, I think, since the marriage of Her Majesty herself which has so much enlisted the feelings and so much excited the interest of the whole British nation. There could be no stronger proof of this than the immense multitude which a few days ago assembled in the streets of the metropolis amidst all the inclemency of a winter's day—the snow falling and a piercing wind blowing, to bid a last farewell to Her Royal Highness on quitting the shores of her native country. It was, indeed, natural that the people of this country should feel an interest in everything which related to the Princess Royal. She was the firstborn of that marriage which excited so much interest in the nation, and although the events of her childhood and early years are in general not much known to the world at large, yet the nation has by some means or other known and watched the progressive developement of the amiable qualities of Her Royal Highness. It has known how her warm affections have been matured by increasing years, and it has seen how an admirable education has formed and cultivated her mind. Sir, it is often the fate of princes and princesses that their marriages are merely marriages of political convenience. They are put together at the altar, having known of each other nothing more than what vague and distant report has conveyed to them of their mutual intellectual qualities and character, having seen of each other nothing more than some faint resemblance conveyed in a painted miniature. The Royal pair of whom I am now speaking have been more fortunate. They indeed have belonged to that class whom, it is said,

"——gentle stars unite, and in one fate
"Their hearts, their fortunes, and their feelings blend."

They have had the advantage of knowing each other for a considerable period. They have had the means of estimating mutually the high qualities which adorn them both. That knowledge of each other's character, and the esteem which has been grounded upon that knowledge, will be, I trust, the surest foundation for their future happiness, and the best security for their domestic enjoyments, with which I am sure every one must wish they may be blessed. A marriage such as that which the Princess Royal has contracted must realise the fondest wishes of an affectionate mother; and there is this also in the circumstances of her marriage, that although the Princess Royal is probably destined hereafter to fill a brilliant and distinguished position, yet for the present at least there is nothing in her high station which may prevent frequent visits to this country, or interfere with those domestic meetings so dear to all families. Therefore, Sir, without further preface, as I feel I should be doing injustice to the sentiments of the House if I were to think that any arguments or reasoning of mine were necessary to lead them to an unanimous vote, I shall simply conclude by moving the Address I have put in your hands. I will mention that when this Address is agreed to I shall move that it be presented to Her Majesty by the whole House, being satisfied that that mode of presentation will be as gratifying to the Members of this House, as I am authorised to state, it will be to Her Majesty.

Motion made, and Question put—

That an humble Address be presented to Her Majesty, to congratulate Her Majesty on the happy Nuptials of Her Royal Highness the Princess Royal with His Royal Highness the Prince Frederick William of Prussia; and to assure Her Majesty of the satisfaction which this House feels at an event so gratifying to Her Majesty, and which they trust will be so conducive to the domestic happiness of Her Royal Highness.

MR. DISRAELI: Sir, I am sure that Her Majesty's faithful Commons never united in an Address to the Crown with more complete cordiality than they do upon the present occasion. Nothing, in my opinion, Sir, has been more remarkable or more interesting in the late unanimous expression of feeling with regard to this Royal Marriage on the part of this country than the strong domestic principle which has pervaded the whole of this great and powerful nation. That feeling is the purest, as it is the strongest, source of social happiness and of national power. That general homage was offered, I am sure, on this occasion principally because there has been a conviction on the part of the country, as the noble Lord well reminds us, that this alliance has been brought about not so much by political considerations as from the impulses of nature and affection. That domestic feeling has been strongly exhibited in this country on the present occasion from the wishes that have been felt by the nation to express their attachment and respect or the Royal parents of our Princess; because they have long felt that under the illustrious roof under which she has dwelt, there is as much respect felt for the happiness of the hearth as for the splendour of the throne. Sir, in the new career which opens before the Princess Royal all those incidents which can combine for the happiness of individuals are present. She certainly bears with her the good wishes of the Parliament and people of Great Britain; and when in due season she shall fill that brilliant position to which the noble Lord has referred, I have no doubt that the time will come when Englishmen will be as proud of the Queen of Prussia as they now are of the Queen of England.

Motion *agreed to, Nemine Contradicente.*

VISCOUNT PALMERSTON: I propose, Sir, that the House shall meet at two o'clock to-morrow, for the purpose of presenting the Address. I believe that Her Majesty will receive the Address at three o'clock; but if the House meets at two, we shall then be able to state precisely to the House at what hour Her Majesty will receive the Address.

Agreed to.

Address to be presented by the whole House. Privy Councillors humbly to know Her Majesty's pleasure when She will be attended.

THE ALIEN ACT.

MR. ROEBUCK: Sir, I gave notice yesterday that I would to-day put a question to the noble Lord on the Motion that the House at its rising adjourn until Monday, but as it appears we are to sit to-morrow, I will now move that this House do now adjourn for the purpose of putting myself in order. My object is to ask the noble Lord at the head of the Government whether there have been any communications between the Governments of England and France with respect to the Alien Act or any portion of our criminal code? The House, I believe, will understand the rea-

son why I put this question. They must have heard that since the event which I am sure inspired every Englishman with feelings of regret and detestation—the recent attack upon the life of the Emperor of the French—there have appeared in the pages of the *Moniteur* certain addresses to the Emperor of France from the French army. Those addresses, naturally enough, were expressed in terms of great indignation at the attempted violence against the Emperor's person, and also strong condemnation of and denunciations against the authors of the attempt so made. Now, Sir, if these expressions had rested there, I should be the first to sympathise with and give my cordial concurrence to every sentiment they contained. But from the French army there came also accusations against England, as though England were a participant in that attack upon the person of the Emperor of France. I will, with the permission of the House, state the immediate object of my question. Hon. Gentlemen are aware that the *Moniteur* is not an ordinary paper; it is in fact the *Gazette* of the French Government. Everything it utters is under the immediate inspection of the French Government, and that Government is the Emperor. Therefore what appears in the pages of the *Moniteur* is, in fact, the reflex of the opinions of the Emperor of France. Well, Sir, in the pages of the *Moniteur* there appear these attacks upon the English people; and one colonel of a French regiment of the line—full, I suppose, of military ardour, and that loyalty which he and the French army have always exhibited to every ruling Monarch that has appeared in France—asks the French Emperor to be led against that haunt, that den, the *répaire*, of homicide, meaning England, Sir. Well, that language is published in the pages of the official *Moniteur*. It is published in fact by the French Emperor. That is his opinion; and I wish now to state my opinion. The French Emperor is the person to direct against England accusations of being the den of conspirators, and who could speak with greater knowledge of the fact than himself? Has he not enjoyed the protection and hospitality of England? Has he not, too, while so enjoying that protection and hospitality, acted the part of a conspirator himself? Did he not leave these shores armed with the great name of his predecessor, the name of the Great Napoleon; did he not, armed with that name, and with a tame eagle, go to Boulogne and there attack the throne of King Louis Philippe; and did he not murder the man who in the performance of his duty opposed his landing? And this is the man who chooses to publish in the pages of the *Moniteur* accusations against England, for being the haunt and the den of homicides, where conspiracies are all hatched, and which ought, therefore, to be subjected to invasion and the rapine of his soldiery. But it is not confined to that—the brother of the Emperor of the French (the Count de Morny) has chosen in the Legislative Chamber of the French nation, to accuse England of being participant in this attempted crime. And not only he, but the Count de Persigny, the ambassador of France—in England, in the presence of Englishmen—has dared to make the same accusation; aye, Sir, and in the presence of Englishmen he has not been answered—the only reason that I can conceive being, that the persons who heard him did not understand the French language. For I cannot believe that any Englishman could hear his country so libelled, no matter by whom, without indignantly repelling the accusation on the spot. Those persons who heard the Count de Persigny accuse England of being participant in the criminal proceedings to which I have alluded, ought thereon immediately, and on the instant, if they understood him, to have answered him. They did not; but I will. I will say to him that no man more than I estimates highly the alliance between England and France; but there is something I estimate still more highly, and that is the honour and position of England. And so believing and so feeling, I would have told him that there is nothing in the character of Englishmen that in any way soever conduces to or lends a sanction to assassination; there is nothing in the history of the country from the beginning to the end that can justify such an accusation. No English King has fallen by the hand of the assassin, though Kings of France have. We have condemned a King to the block, it is true, but it was in open day. Neither have we sent or hired anybody to kill any other sovereign for our own national satisfaction—privately I mean, and by assassination. My answer to Count Persigny would have been that the people of England are above assassination. When they feel indignant they express it, and go to war, if necessary, to vindicate their honour; but they do not

seek to avenge themselves privately, or by secret expeditions in steamboats, or, by assassins, make private attacks upon any foreign Government, or any foreign Sovereign. They do not make conspiracies in London to pull down a Government in Paris. Their course is open and honourable in dealing with their enemies as with their friends. When I came into the House yesterday with the determination of giving the notice I did give, I heard in my ear something like a whisper about a contemplated change in the Alien Law. It was said that at the solicitation of the Emperor of the French we were about to alter our Alien Law. I will say nothing, Sir, of the ingratitude of the man who now asks us to alter a law by which he has profited so largely. But I say that England owes her position among the nations of the world in consequence, in a great measure, of the manner in which she has treated the people of all nations who have sought the asylum of our shores. We are here the refuge for the destitute of all nations. Louis Napoleon has come here; Metternich has come here; the Bourbons, Louis Philippe have all sought and obtained a safe refuge here; but no man said, no man had a right to say, that we should alter our laws because we gave them that refuge; and I say, if we change the law on this occasion we violate the first principles of our constitution, we degrade ourselves before the world, and are no longer the English people that our forefathers were. Well, I come to the House with my ear full of this inspiration. What, then, was my surprise to hear from the noble Lord an announcement that he would on Monday move for leave to introduce a Bill for altering the law in regard to conspiracies. What suggested to the noble Lord the necessity of such a change? Was it that any person of authority—for I presume that the noble Lord, with all his varied accomplishments, is not a lawyer—has told the noble Lord that the law of England could not reach conspiracies, or that the punishment which the ameliorated law of England awards to such crimes was insufficient? For at least a quarter of a century we have been doing all we could to render the criminal law of England less bloody than it had previously been. A quarter of a century ago our criminal code was the most cruel in Europe; but from that time to this we have by experience learned that a mild punishment certainly administered is the most effectual preventive of crime. Our own domestic experience has taught us that; and I want to know who has suggested to the noble Lord that we should retrace our steps; that whereas conspiracies have hitherto been visited by fine and imprisonment, we should alter and bring back the law to the old standard of cruelty which we had abandoned. Sir, my question to the noble Lord is one of very significant importance. If England wishes to hold her place among the nations, if she wishes still to maintain her own independent position, no solicitation of an ally, no threatenings on the part of anybody, ought to lead us to alter our laws. I have been told that some justification for the insolence with which England has been treated in this matter is to be found in the speech made last November, by the noble Lord at the head of the Government, at the Mansion House. God forbid that the people of England should be made answerable for all the indiscretions of the noble Lord. I do not say, I do not believe, that the noble Lord was imprudent on that occasion; but admitting that he was, no man knowns better than the Emperor of France how very little the noble Lord expresses the feeling of the people of England. If there was on that occasion a little menace—a little vapouring on the part of the noble Lord, it can scarcely be said that the people of England, as a nation, is to suffer for the bad taste of the Minister. Now, if that be so—if it cannot be said that the noble Lord is the people of England—and, as we had already publicly and unanimously expressed our detestation of the attack on the Emperor of France, I want to know what could have induced him to turn round upon the people of England as he has done, and manifest that hostility which he has through his own press, and his own ambassador, shown towards this country. The question I have to put to the noble Lord is—has there been any correspondence with the Court of France or the Minister of France on the subject of an Alien Bill, or upon the subject of an alteration of our criminal code.

Motion made, and Question proposed, "That the House do now adjourn."

Viscount PALMERSTON: I can have no difficulty in answering the question of the hon. and learned Gentleman. There has been a despatch addressed by the French Minister of Foreign Affairs to M. de Persigny, the French Ambassador here, bearing upon the late transactions at Paris, and urging upon him the ne-

cessity of applying to Her Majesty's Government to take such measures as they, in their wisdom, might think fit in reference to the circumstance, not to dictate any measures, but simply to put the case to Her Majesty's Government to deal with as they might think proper. That is the nature of the despatch, and I can have no difficulty whatever in laying it before Parliament. But, Sir, in replying to the hon. and learned Gentleman, I feel bound, in the first place, to repel the charge which the hon. and learned Gentleman has made against the Count de Persigny. Count de Persigny never accused the British nation of sympathizing with assassins, or with intending to give protection to assassins. He stated distinctly to Her Majesty's Government—Count de Persigny has repeatedly stated to me—in reference to the strong expression of feeling which had been made in his own country, that we must feel with him that allowance must be made for it in the circumstance that had called it forth—that the people of the Continent, not knowing the nature of our laws, and applying to us the principles by which they are themselves guided, naturally form expectations which those who know the principles and working of our system of government are aware cannot be carried out. Now, the hon. and learned Gentleman wishes to anticipate a discussion which would more properly arise on Monday next, when I shall have to move for leave to bring in a Bill of which I have given notice. I shall not allow myself to be led, by his example, into a premature discussion of that measure, but when I propose it I shall be prepared to state its nature, and the reasons upon which it is founded. But I must protest against the ground the hon. and learned Gentleman has taken. The hon. and learned Gentleman alludes to certain violent and intemperate speeches, addresses which have been made in France, and urges that on their account the Parliament of this country ought to be prevented from taking any steps which otherwise, upon the merits of the case, Parliament might think proper to adopt. Why, speaking of intemperate speeches, I might well retort upon the hon. and learned gentleman—

"Quis tulerit Gracchos de seditione querentes."

If any man is less than another entitled to complain of violent language and personal vituperation on the part of the people of a foreign country, I should say it is the hon. and learned Gentleman himself, who is in the habit of indulging in most unbridled vituperation against every Government and every man living, whether at home or abroad. If there is anything upon which we pride ourselves in this country it is our freedom of speech, and that principle leads us so frequently to pass over the violent effusions of the hon. and learned Gentleman—thus respecting the principle, though we may disapprove of the manner in which he exercises it. I say, it would be most undignified in the people of this country—nay, it would be most childish conduct in the people of this country—if, because of certain violent expressions, certain intemperate addresses made against the people of England, they were to allow themselves to be swayed from the course they might otherwise think right to pursue in reference to their internal legislation. We ought to make due allowance for the irritation which has been naturally excited in France. Let us put an inverted case. I will suppose that there issued from Paris on more than one occasion murderers with the intention of perpetrating against our Sovereign atrocities similar to those which have been attempted in Paris, would not the people of this country feel the greatest indignation, and would they not be likely, in speaking of such attempts, to go beyond the precise accuracy of courteous and temperate expression which nations ought to be guided by in their transactions with other nations. I trust, therefore, however we may lament or disapprove these violent expressions of feeling in France, that we shall make allowance for the circumstances under which they were made—that we shall consider what would have been our own feelings in a similar case, and under similar circumstances—and that we shall not be led away by considerations of what may have been said by individuals in France or elsewhere from that course which, upon the merits of the question, we may think fit to follow.

Mr. HORSMAN: I have listened to the speech of my noble Friend with great attention and at the same time with very great regret. I regret the manner in which he has referred to the subject-matter of the speech of the hon. and learned Member for Sheffield, and I regret very much the manner in which he has spoken of the hon. and learned Gentleman. I did not intend to take any part in this discussion, but I do feel that we cannot, in justice to any hon. Member of this House,

allow imputations to be made such as upon this question, in which we are all interested, have been cast, in my opinion, most unfairly upon the hon. and learned Gentleman. The hon. and learned Gentleman did not complain that there were individuals in France who had insulted the national feeling of England. What my hon. and learned Friend said was this—that parties in France, nearest to the person of the Emperor, most in his confidence, and not private parties at their own instance, had concocted and circulated these charges and addresses; that French colonels went with addresses to the Emperor; that they were graciously received by him; that the addresses were published prominently in the official *Moniteur*, and circulated under the Government influence throughout France, to show an excitable people what was the language which the Emperor appeared to approve as addressed to him with regard to his ally, and to show also to the people of Europe what were the terms in which they might suppose that demands had been made upon the Government of England for security against a repetition of the crime with which the French Government had branded the people of England as accomplices. Now, the whole gravamen of the charge of the hon. and learned Gentleman was, that it was the authorities of France—the Government of France—which had made these attacks upon the people of this country, and it was on that account that he attached to these attacks an importance greater than if they had emanated from individuals. I think that what my noble Friend stated as to the manner in which the hon. and learned Member for Sheffield deports himself in this House was rather more severe than just. I, like my noble Friend, have sat many years in this House with the hon. and learned Member for Sheffield, and I must say that so far from having been surprised at his expressing himself in strong language, I should have been much more surprised if, with his feelings, he had to-day failed to express himself in that bold tone which characterizes him. It is the pride of my hon. and learned Friend to take his own course in this House, and to do what he thinks right, irrespective of party ties and obligations. In so doing he has certainly very frequently thrown broadcast in this House the expressions of his censure and disapprobation; but this I will say, that we who for years have watched his conduct are convinced of his integrity of purpose and of his purity of motive, and that, while he is careless of what enemies he makes, there is no man in this House more free from personal enemies than my hon. and learned Friend. Then I do feel that he has been rather severely dealt with by my noble Friend. He has expressed his own sentiments, and for them no other man is responsible. Nor does he shrink from that responsibility. To say, however, that his language is invariably a strong example of that which he complains of with regard to others is, in my opinion, after the long experience which I have had of his neither brief nor undistinguished career in this House, not just. My noble Friend cannot point his finger to any act of the hon. and learned Member for Sheffield which is a stain upon his honour. Allow me now to say one word upon the subject brought forward. I understood my noble Friend to say that there has been one despatch from the Government of France and that it will be produced. I do not know whether any answer to that despatch has been made by our Government, but I presume that previous to the discussion on Monday we shall have all the papers laid upon the table. I think it is also desirable that we should be furnished with the opinion of the law officers of the Crown, because if they agree in the opinion expressed by high legal authorities in another place very recently, it will be manifest that the change of the law we shall be asked to assent to next week is not necessitated by any defect in the law itself, but by other circumstances of which the House ought to be made aware. I own that I myself attach very great importance to the proposition that is to be made to us next Monday. I will not now anticipate the discussion, but I do hope that we shall have all the information possible brought before us to enable us to judge both of the propriety of the demand that has been made by the Government of France and the propriety of the concession which, as it appears, the Government of this country is prepared to make.

MR. ROEBUCK said, he would not detain the House for one moment. He assumed that the noble Lord would concede the request he was now about to make, that the despatch of the French Government should be laid upon the table, and also the answer of Her Majesty's Government to it, as soon as possible, so that hon. Members might have it in their hands before they were called upon to enter n

the discussion next Monday. With regard to what the noble Lord had said of him (Mr. Roebuck), it passed by him "like the idle wind, which he regarded not." He asked the noble Lord to point to any expression he had used that could bear out the description that the noble Lord had given of the language he was in the habit of using. He might have uttered strong opinions, but he defied the noble Lord to show that he had used violent language, nor had he used such language on the present occasion. He would ask the noble Lord and the House to recollect what he had said. He had said that England had been insulted, and that the insult came from the Emperor of the French. Was there any violent language in that? That was a strong statement no doubt—but was not the evidence in support of it strong also? Why, the people of England had been threatened before—even in his time—not that he could recollect it, for he was a child when it occurred. The great man who bore the name now held by the Emperor of the French—the first Napoleon—he, from the opposite shore of the Channel, threatened England with invasion; and though he disagreed in the policy adopted by our ancestors on the occasion, he could not but admire their towering port, and the thoroughly courageous demeanour with which the menace of the great Napoleon, surrounded as he was by his legions, and fresh from the victories of Ulm, Austerlitz, and Jena, was met. Our ancestors hurled defiance at him—they fought him and conquered him; and if our ancestors treated with contempt and defiance the menaces of *Napoleon le Grand*, should we, their descendants, quail before the threats of *Napoleon le petit?*

Viscount PALMERSTON said, he would lay the despatch from the French Government on the table to-morrow. No answer to it had been sent.

Motion, by leave, *withdrawn*.

LADY HAVELOCK AND SIR HENRY HAVELOCK'S ANNUITY.

COMMITTEE.

House in Committee.

The CHANCELLOR of the EXCHEQUER: It will be in the recollection of the House that, in our short meeting before Christmas, a gracious Message was delivered to this House from Her Majesty, stating her wish of bestowing a signal mark of her favour upon Major General Havelock, and that some provision might be made for him by this House. That Message having been taken into consideration by this House, it was agreed to grant to Sir H. Havelock an annuity of £1000 a year; and a Bill founded upon that Resolution was subsequently introduced. During the discussion which took place upon that Bill and upon that Resolution, a strong feeling was expressed on the part of the House, that an addition should be made to the proposed grant; and Her Majesty's Government undertook, upon the re-assembling of Parliament, to introduce a provision for extending the annuity for two lives—namely, that of General Havelock, and of his son. Unhappily it has not been in the power of Her Majesty's Government to redeem that pledge; for, at the very time that the dignity of a baronetcy was conferred upon General Havelock, and that the annuity to accompany it was voted by the House, the gallant officer had already fallen a victim to his exertions in the service of his country. The honour conferred by the Crown, and the bounty of this House could not, therefore, take effect, and it became my duty yesterday to move the discharge of the order for proceeding with the Bill which had been introduced with respect to the subject. The Government, however, being desirous of carrying substantially into effect the recommendation of the Crown, and being also desirous of acting upon the understanding which had been come to with this House, has decided upon proposing an annuity of £1000 a year to the widow of the late gallant general. By a most gracious act of Her Majesty, Lady Havelock has been placed in precisely the same position as she would have been if her husband had been alive when he was created a baronet; and we have thought that we should be giving effect to the wishes of this House by proposing a grant to her of £1000 a year. We propose also to grant an annuity of like amount to the present Sir H. Havelock. Now, Sir, I think that, under the circumstances, this House would not have objected to vote an annuity of £1000 a year to the present Sir H. Havelock, even if he were an undistinguished man, and had merely succeeded his father in the ordinary manner of hereditary honours; but I would call the attention of the Committee to the fact that the present Sir H. Havelock has proved himself worthy of the gallant and heroic deeds of his father, and has himself, in the course of his military profession in India, rendered

distinguished services to his country; and, looking to his own merits, I think that the House would feel themselves justified in conferring upon him a token of their approval. I will state to the Committee what has been the military career of Sir Henry Havelock:—Brevet Major Havelock entered the army (Queen's service) as ensign in 1846, became lieutenant the 23rd of June, 1848, and captain on the 9th of October, 1857. In the course of his career he had received the thanks of the Commander in Chief, who had expressed great pleasure in recommending him for his promotion to a company shortly after the action at Cawnpore, and recently for brevet rank of major, no less as a reward for his own gallant and meritorious services than as a tribute to the memory of his gallant father, by whose side he fought in those numerous engagements which rapidly followed each other in brilliant succession and terminated in the relief of Lucknow. Major Havelock was decorated with the Victoria Cross for his cool bravery at Cawnpore. It was on that occasion that Major Stirling, a gallant and distinguished officer, fell at the head of the 64th regiment. Major Havelock's horse was shot under him at Busserut Gunge on the 29th of July; he was severely wounded in the right arm by a musket shot at Lucknow, and has been repeatedly mentioned in despatches. The principal service of Sir H. Havelock, however, was that for which he had been decorated with the Victoria Cross, and on this point I will trouble the Committee with an extract from a telegram from the late Major General Havelock to the Commander in Chief, dated Cawnpore, August 18, 1857, and which appeared in the London Gazette of January the 15th:

"In the combat at Cawnpore Lieutenant Havelock was my aide-de-camp. The 64th regiment had been much under artillery fire, from which it had severely suffered. The whole of the infantry were lying down in line, when, perceiving that the enemy had brought out the last reserved gun, a 24-pounder, and were rallying round it, I called up the regiment to rise and advance. Without any other word from me, Lieutenant Havelock placed himself on his horse, in front of the centre of the 64th, opposite the muzzle of the gun. Major Stirling, commanding the regiment, was in front, dismounted, but the Lieutenant continued to move steadily on in front of the regiment at a foot pace on his horse. The gun discharged shot until the troops were within a short distance, when they fired grape. In went the corps, led by the Lieutenant, who still steered steadily on the gun's muzzle until it was mastered by the rush of the 64th."

In that most gallant charge the commanding officer unfortunately lost his life, but Major Havelock happily survived the daring attack. I will not trespass longer on the attention of the Committee further than to express the hope that the Resolutions which I shall now place in your hands, Sir, will be unanimously agreed to.

Motion made,

1. That the annual sum of One Thousand Pounds be granted to Her Majesty out of the Consolidated Fund of Great Britain and Ireland, the said annuity to commence from the 5th day of February, 1858; and to be settled in the most beneficial manner upon Lady Havelock, the Widow of the late Major General Henry Havelock, of Lucknow, Knight Commander of the Most Honourable Order of the Bath, for the term of her natural life.

2. That the annual sum of One Thousand Pounds be granted to Her Majesty out of the Consolidated Fund of Great Britain and Ireland, the said Annuity to commence from the 5th day of February, 1858; and to be settled in the most beneficial manner upon Sir Henry Marsham Havelock, Baronet, eldest son of the late Major General Henry Havelock, of Lucknow, Knight Commander of the Most Honourable Order of the Bath, for the term of his natural life.

SIR JOHN PAKINGTON: I believe that the right hon. Gentleman has rightly interpreted the feeling of this House in anticipating that the proposition of Her Majesty's Government would meet with our unanimous approbation and concurrence. I believe that among the long catalogue of illustrious men who have fallen in India, few have been more sincerely regretted than the late General Havelock; and, if anything could add to the regret felt at the death of that gallant and admirable man, it would be that he died before he was aware of the manner in which his services were appreciated by his countrymen. Throughout the country there exists but one feeling, and that of gratitude to Her Majesty for the honour she has conferred upon Lady Havelock and her son; and I am also convinced that all parties, both in this House and out of doors, will feel that Her Majesty's Government have done no more than their duty in proposing to transfer to his widow the pension that was intended for General Havelock himself, and in also simultaneously recommending the grant of a pension to his son. I entirely agree with the Chancellor of the Exchequer that this House would have cordially concurred in that course, had Major Havelock had no personal claims of his own. We know, however, that that officer is treading most gallantly and most nobly in the footsteps of his father; and we must all join in earnest hope that he

may long continue in the same career of glory and honour, and live long to enjoy the favour and gratitude of his country.

MR. KINNAIRD observed, that he wished to add one word in proof of what he was sure the country deeply felt—namely, that this was in no way a reward which was not entirely deserved. He held in his hand an extract from one of the last letters written by this lamented General, in which great anxiety was expressed as to his inability to make a provision for his wife and family. General Havelock said that, after forty-two years spent in the service of his country, all that he had been enabled to save was a sum of £4,000, which, with a small life assurance of £2,000, was all that he could leave for the maintenance of his family. When the country was made aware of this fact, there was no doubt that it would give its warm and cordial support to the proposed recognition of the services of the late General Havelock.

MR. BYNG said, he could not allow the occasion to pass without declaring, on the part of his constituents, his entire concurrence in this Resolution. He knew that no words of his could do justice to the subject; and, at the same time, he was anxious to express what he was sure was felt by every Englishman—namely, sorrow for the irreparable loss sustained by the British army through the death of General Havelock, and admiration for deeds which, though performed in a land where heroic actions were too numerous to be recounted, had yet, from their daring and rapidity, their strategical bearings, and their important results, been rarely equalled, and certainly never surpassed, in the annals of war. Into the private life of General Havelock it would be presumptuous for any one of them to enter. He was, however, the perfect type of a Christian warrior; and although, unhappily, he did not live to know of the recognition of his services by a generous Sovereign and an admiring people, still he had something far better to sustain him—namely, the consciousness that he had performed every duty to God and man, and that his last efforts had been successful in rescuing a brave and heroic garrison from a fate at which even now we shuddered. As long as the faithful discharge of a soldier's duty, as long as the unostentatious performance of a Christian's obligations, as long as the display of brilliant courage and the highest military talent were honoured and esteemed as they ever would be in England, so ong would the memory of General Havelock be cherished and revered.

MR. DARBY GRIFFITH said, he was far from desiring to disturb the unanimity of the House with respect to this Resolution, especially as he had no doubt that the proposition of the Government would be gratifying to the feelings of the country; but he wished to point out how the proper functions of the House, on occasions of this kind, were overlaid by its own forms, and by the anxiety they felt to give immediate effect to their benevolent intentions. Introduced as it was only yesterday, this Bill, he presumed, was to go through all the forms of the House consecutively and without delay. On a money Bill, hon. Members were unable to offer any Amendment without notice. At any rate, the effect of the measure passing through so rapidly was, to prevent on a former occasion, as he apprehended it would prevent now, any hon. Gentleman from proposing an Amendment. In point of fact, then, the function of the House to reward distinguished merit by pecuniary grants devolved practically on the Government. No doubt the Government would be anxious to follow the general wish of the House on such a matter; but they might not always be successful in accurately collecting that wish. This was actually the case during the late Christmas Session, when the Government proposal was not such as to meet the approval of the House, and there was no opportunity of moving Amendments upon it at the time when that divergence of opinion became manifest. Indeed, it was solely owing to the accidental and lamentable circumstance of General Havelock's death before he could receive his pension that the Government had had time to gather the real feeling of the House, and to propose a provision for the widow. For, had the previous Bill passed before Christmas, and this distinguished General fallen shortly afterwards, Lady Havelock would have been left without the proposed annuity. It would, no doubt, be a strong consolation to brave men engaged in performing great public services to know that, if they fell victims to their duty, their families would be taken care of by the State; and he begged to suggest that, in future, the practice should be adopted of offering a provision for the widows of distinguished generals, to whom Parliamentary grants were awarded. Special grants by Parliament were too rare

to make such a rule burdensome to the country.

MR. WILLIAM WILLIAMS said, that there was not a person in the House more ready than he to grant public money for eminent services done to the country, and no services could have been greater than those performed by the late General Havelock. He rose, not to oppose the Motion, for he thought that Lady Havelock was eminently entitled to a pension, but to call attention to the greatly increased reward as compared with that of last year. Then it was proposed to give an annuity to General Havelock for his life; and it was the wish of the House that it should be extended to his son for life; and there was no opposition to that. If the proposition had been to grant General Havelock £2,000 a year, he (Mr. Williams) would have made no objection; for he thought it was the highest policy to reward eminent public services such as those of General Havelock. But the ground laid by the Chancellor of the Exchequer for granting £1,000 a year to Major Havelock wholly failed. The right hon. Gentleman did not rest the claims of that officer to a pension on the merits of his gallant father, but on his personal bravery in the field. The right hon. Gentleman might have pointed out a thousand officers as much entitled to a similar reward on personal grounds as Major Havelock. What must be the feelings of distinguished officers of higher rank than Major Havelock, who had received no pecuniary reward, and one or two of whom had received but a slender acknowledgment of their services from Her Majesty? In particular, he thought that Colonel Greathed was entitled to a higher reward than he had received. The right hon. Gentleman had spoken of the courage of Major Havelock. Why, there was not a man in the first relieving force that reached Lucknow, officer or soldier, who had not displayed as much courage as he. He did not oppose the proposal, but he could not help pointing out that this was a Motion for an additional £1,000 a year beyond what was originally proposed.

MR. NEWDEGATE said, he must protest against the doctrine of the hon. Member for Lambeth. The statement of the hon. Member for Perth (Mr. Kinnaird) as to the slight provision which General Havelock had been able to make for his family was in itself a justification of the course pursued by the Government, and would commend this vote to the feelings of every right-minded man. It was the greatest wisdom to hold out to those who were willing to devote their lives to the service of their country, and whose avocations did not permit them to make such provision themselves, the prospect that their families would be provided for after their death. We were not anxious to encumber our officers with enormous wealth, the enjoyment of which might tempt them, perhaps, to neglect their proper avocations, but we ought always to be ready to provide for the relatives of those who for many years had otherwise devoted, or in the chance of war had risked their lives in the public service, and thus to relieve their minds from cares which might interfere with the performance of their duties. This was the species of reward which was the most acceptable to the most honourable minds, and could the late General Havelock know what was now being done for his family, he would prize such a return much more than he could have valued the highest honours which could have been showered upon him during his life. He therefore rejoiced that they could afford to overlook the services of Major Havelock, in the determination so universally expressed to recognize the virtues, the courage, the talents, the perseverance, and the Christian virtues of his honoured father.

THE CHANCELLOR OF THE EXCHEQUER said, he thought it right to remove a misapprehension under which the hon. Member for Devizes (Mr. Darby Griffith) laboured, when he thought that the Government had acted precipitately in this matter, and that the House was now in Committee on a Bill for granting an annuity to Lady Havelock and Major Havelock. The truth was that the House was proceeding in the most formal and deliberate manner, and was now only in the first stage of the business for they only were on a Resolution on which a Bill was to be founded. Therefore if the hon. Member wished to make any remarks on this subject, he would have ample opportunity in the future stages of the Bill. His principal object in rising, however, was to remove a strange misunderstanding, by the hon. Member for Lambeth, (Mr. W. Williams) of the remarks he had made. The hon. Member understood that he laid the ground of the Resolution solely on the personal merits of Major Havelock, and irrespective of the signal services of his lamented father, whereas he thought he had distinctly stated that he believed that the House would have been prepared to accede to a proposition for granting this annuity to

the son of General Havelock, wholly irrespective of his personal merits. The original proposition was for an annuity to General Havelock only; and it was the expressed wish of the House that it should be continued to his son; that is, that it should be granted for two lives. The Government acceded to the wish of the House, but that was not the original proposition. Since that understanding had been come to, the lamented death of General Havelock had become known, and the position of things had changed. It was impossible that the original intention should be carried into effect; and it became his (the Chancellor of the Exchequer's) duty to submit to the House a different Resolution, though one still carrying out the spirit of the wishes of the House; and he had said that, irrespective of the personal merits of the present Sir H. Havelock, it would no doubt be the desire of the House that it should be carried out. At the same time he felt it his duty to add, and he thought it was not an immaterial circumstance, that the present Sir H. Havelock was not the mere recipient of an hereditary honour; that he was not one of those *quibus beneficia populi Romani dormientibus deferuntur*, but that he had by his own exertions, and by his undaunted courage, earned for himself an honourable position in the ranks of the army. He did not assert that there were not other officers of the same rank as brave and as distinguished, but he did say that it was a matter for the consideration of the House that the present Sir H. Havelock undoubtedly had personal merits independent of his relationship to his distinguished father. These were the grounds on which the Resolution was based, and he thought that the House would agree with him, that they were not irrelevant.

MR. INGRAM said that every one must agree that this pension was rightly given; but at the same time he thought it ought to be charged on the revenues of India. There were two parties to these pensions, those who received and those who paid them. He thought that the people who had stirred up the insurrection ought to feel its effects, and to pay for it. The pension to the Marquess of Dalhousie was charged on the revenues of India, and why should not this be paid from the same source? At the same time he was far from saying that Major Havelock did not richly deserve it.

THE CHANCELLOR OF THE EXCHEQUER said, that it was always the case that officers in the Queen's service should have their pensions charged on the Consolidated Fund. It was so in the case of Lord Gough, Viscount Hardinge, and others. With regard to officers in the service of the East India Company, the custom was to grant pensions charged on the revenues of India; and in the case of General Wilson, who had received the same pension as General Havelock, it was charged on the revenues of the East India Company.

MR. GRIFFITH said, that he wished to explain, that in the remarks he had made, he had not intended to find fault with the Government for the proposition they had made, for no one sympathised more in the gallant deeds of that great man than he did: but it did happen last Session that the forms of the House precluded discussion on the subject.

Resolutions *agreed to;* to be reported on *Monday* next. House resumed.

MEDICAL CHARITIES (IRELAND) BILL.

BILL WITHDRAWN.

MR. H. HERBERT said, that he had introduced this Bill in the early part of the Session, but as he had received many suggestions on the subject, he thought it better to withdraw the Bill and introduce another. He, therefore, moved that the order for the second reading be discharged.

Motion *agreed to.*

EAST INDIA LOAN BILL.

LEAVE.—FIRST READING.

MR. VERNON SMITH said, he rose to ask for leave to introduce a Bill for enabling the East India Company to raise money in the United Kingdom for the service of the Government of India. The Bill which he desired to introduce had been rendered necessary by the emergencies which had arisen out of the state of affairs of India, and it would probably surprise no one, that in consequence of the confusion which existed there, the East India Company should come to Parliament to ask for power to borrow money. The provisions of the Bill would be strictly confined to the necessities of the present emergency, and would extend only over the present Session and that of 1859. The House might not, perhaps, be aware how the borrowing powers of the East India Company stood. It was rather singular, that while in India the Government of India had an almost unlimited power of borrowing, subject to the approbation of the Court of Directors and of the Board

of Commissioners, in England the Court of Directors had hardly any such power. All that they had, had been given to them by Acts of Parliament, which had been passed from time to time, beginning with the first which was passed in the reign of William III., and ending with 21st of George III. These Acts gave them power to borrow sums, amounting altogether to £7,000,000, of which at the time the mutiny broke out they had raised £4,000,000, and they had therefore, power to borrow only £3,000,000 more. The Government in India supplied all that was necessary for expenses there, and the home Government gave notice at the commencement of every year what amount of money was to be remitted from India; which was either received in money, or bills were drawn on India. The mode of regulating the supply of bills was, that when they found the supply of these bills superabundant they checked it by raising the rate of exchange; and, on the other hand, when the supply became slack they increased it by lowering the rate of exchange. Such was the manner in which money had hitherto been received from India for the purposes of the home Government. During the past year the Board of Directors limited their calls upon India rather below the usual amount. They gave the usual notice that £4,000,000 would be required, but they did not receive bills for more than £500,000 or £600,000. When the rebellion broke out, however, they were compelled to see how to make all their resources available. An application came in the autumn from the Government in India, requesting them to draw no further bills on India, and stating, moreover, that their own necessities would require a transmission of bullion. To that application the Directors immediately replied that they would draw no more bills on India, and would raise the rate of exchange to such an amount as would prevent merchants from taking them in preference to private securities. They also transmitted bullion to the amount of £1,000,000 as requested, and gave the Government of India notice that a further supply would be sent. On the 10th of December, however, they wrote to the Government of India that, as a considerable sum might be expected in the shape of subscriptions to the five per cent loan in India, in consequence of the rate of interest having been practically raised to six per cent, they thought they would not require a further supply of bullion. It was not surprising that the Directors should have found themselves in difficulties. The additional expense thrown upon them had been very considerable. In the summer their resources consisted of borrowing powers to the extent of £3,000,000, a cash account of about £1,000,000, a reserve fund of £1,000,000 in Three per Cent Stock, and £1,800,000 of Exchequer bills. All these resources had been called into requisition, and were now nearly exhausted. He had received a statement from the India House, showing the receipts and disbursements in the first four months of the present year, and what they were expected to be from the 1st of May, 1858, to the 30th of April, 1859. The receipts from the 1st of January to the 30th of April, 1858, were as follows:—Cash balance on the 1st of January, £1,187,963; bills of exchange on India, £40,000; loans on security of East India bonds and interest, £70,310; securities, £2,430,000; Indian railway companies, £1,000,000; total, £4,728,273. The disbursements in the same period were:—Dividends to proprietors of East India stock on Indian transfer loan property, and interest on home bond debt, £432,888; military and other stores, purchase of steam vessels, and transport of troops and stores, £755,909; stores supplied by Her Majesty's Government, pay-office claims, retiring pay, pensions, &c., of Queen's troops, postal arrangements, mission to the Court of Persia, and establishment in China, £1,257,560; civil service annuities payable in England, civil absentee allowances, furlough, and retired pay to military and marine officers, and advances on account of the civil, military, and provident funds of India, £403,582; bills of exchange from India, bullion consigned to India, family remittances, remittances by the Administrator General, and miscellaneous, £359,214; general charges for home establishments, civil, military, and marine pensions, recruiting, &c., £168,000; Indian railway companies, £918,912; total, £4,296,065; leaving a balance of receipts over disbursements of £432,208. The estimated receipts in the financial year 1858-9 were—balance at the 1st of May, £432,208; bills of exchange on India, £120,000; from Her Majesty's Government on account of ordinary supplies, £120,000; Indian railway companies, £2,500,000; total, £3,172,208. The estimated disbursements were—dividends, £980,000; military and other stores and

transport of troops and stores £1,099,442; stores from Her Majesty's Government, pay-office claims, retiring pensions, &c., £1,474,711 ; civil service annuities, &c., £1,403,480; bills of exchange from India, &c., £152,600; general charges £595,800; loan from the Bank of England £1,000,000; bonds to be paid, £653,900 ; amount repayable to security fund, £315,000; *minimum* amount required to be held in cash, £1,000,000 ; Indian railway companies, £2,511,093 ; total, £11,186,026, showing a balance against the Company of £8,013,818, which, however, would probably be reduced to about £7,500,000. It was in order to provide for the raising of that sum that he now proposed to ask the House to extend the borrowing powers of the East India Company. A sum of £8,000,000 would cover the deficiency, but as it had been intimated to the Government that a further transmission of bullion might be required, he proposed, with the consent of the House, to empower the Company to borrow £10,000,000. The only other alteration he proposed in the existing law was to enable the Company to receive subscriptions in England for Indian loans. He could not imagine that there would be any objection to this Bill, because the House had always shown itself ready during these disturbances in India to provide the means of suppressing them. It was clear that the Court of Directors ought to have the means of defraying their expenditure in this country, with which alone he was now dealing, and of making provision for sending troops to India. He believed that the mode in which he proposed to provide them with these means was, upon the whole, the best and easiest that could be adopted for the present emergency. After consulting with the Chancellor of the Exchequer and the highest commercial authorities, he had come to the conclusion that the best mode of raising the required sum would be by debentures rather than by bonds, and therefore he proposed to enable the Company to negotiate loans in that manner. As there would be so small a balance in hand in April, it was desirable that this Bill should pass as speedily as possible, and he was sure the House would have no objection to expediting its progress, as any information that was required he should be happy to afford either in private or in the House. The necessity for such a proposition had been foreseen and came as no surprise on the money market. The only reason why the Bill was not introduced in the short Session before Christmas was, that as Parliament had met only for a particular purpose, it was thought no measures not applicable to that purpose should be brought forward, while there would be sufficient time before April, 1858, for its consideration. The right hon. Gentleman concluded by moving for leave to introduce the Bill.

Mr. T. BARING said, he fully agreed with the President of the Board of Control that no one could feel any surprise that the Indian Government should require assistance in the present emergency, and he believed there could be no doubt that the House of Commons would be ready to support by grants of money in this country our dominion in India ; however, at the same time he could not refrain from expressing his great astonishment at the mode by which Ministers proposed to aid the Government of India. If he could have anticipated the proposal to extend the borrowing powers of the East India Company, and their continuance for two Sessions, or at least a year and a half, he should have expected the right hon. Gentleman to preface his observations by the declaration that Her Majesty's Ministers did not intend to interfere at present with the system of Government in India. Upon whom was the House asked to confer these borrowing powers? The noble Lord at the head of the Government had given notice of his intention to place India under the more direct control of the responsible advisers of the Crown. That involved, if not the extinction of the East India Company altogether, at least its extinction as a governing power. What Government was to borrow this money, for what was it immediately wanted, and in what proportion? The right hon. Gentleman, the President of the Board of Control, did not give the House any information on those points ; it might perhaps be gathered from the right hon. Gentleman's statement that only a small portion of the £10,000,000 was wanted to pay any immediate expenses or advances, and the rest was to be borrowed successively at different periods, as required, between this and the middle of next year. Was, then, the East India Company to exist till that period as the governing power of India? If not, who, he would again ask, was to borrow the money and to have control over it? He had always conceived that on the proposition of any loan it was first inquired, previous to assent being

given to the loan, whether the money was required for reasonable, legitimate, and necessary purposes, and, next, by whom the money was to be borrowed, and by whom it was to be spent? It appeared to him, also, that another consideration should be that the money should be borrowed on the cheapest and most favourable terms. It seemed to him, however, that the plan of the right hon. Gentleman failed in all these essentials, and was, besides, most mischievous and unconstitutional, for who was to have the borrowing power? The East India Company, according to general report, was *in extremis*. Surely, it would not be proposed to give to a dying body the power of borrowing and disposing of money, or of leaving that power to some other body to come into existence afterwards. Perhaps the whole of the plan with respect to the Government of India was not yet matured, but let a corner of the veil which covered that marvellous wisdom of the Treasury bench be raised up, and let the House be informed at once who was to have the power of borrowing—who was to have the management of the loan. He thought that the House, before granting that power, should understand who was to be responsible for its expenditure. If the management was to be in the hands of the Chancellor of the Exchequer, he should have perfect confidence in his character and integrity; but it would be impossible for him to watch the disposal of the money. It must go through some other channel, and if the power should be delegated to an agent, the money and the paymaster-general might both disappear. Before granting the power now asked for, the House ought to know by what Government the money was to be raised, by what Government it was to be spent, who was to be responsible, and whether or not it was the intention of Her Majesty's Government, in giving to the East India Company the power of borrowing until the middle of next year, to continue their authority until that period. He considered that as money was wanted, the best thing that Government could do in the present emergency and state of affairs was to refrain from agitating the public mind by legislation with respect to the form of administration for India. He must here guard himself from being supposed to express any but his own individual opinion, for he had no communication with the Directors of the East India Company on the subject; and he knew not whether they were in favour of the Bill now proposed to be brought in or not. In taking charge of their petition, in the general sentiments of which he concurred, he was not committing himself to the support of any policy, and would not have undertaken the duty of presenting it except in the exercise of an independent judgment. In the exercise of that same independent judgment he was commenting on the measure of finance now under consideration. The right hon. Gentleman proposed that the money should be raised in England. Now, he could quite understand that if the loan in India was not filling up as rapidly as could be wished at 6 per cent, that there should be a necessity, or at any rate a desire to borrow money here. But if the Government of India was to be the Government of the Crown, why not give to India the privilege of enjoying the advantages of the country of which it was part? When the double Government was objected to, and it was said that it would be an advantage to place India directly under the Crown, why refuse to India the most apparent advantage of facilitating for it the power of borrowing money? He for one believed that the lending of money to India directly by the Crown might be done with perfect security, and with the certainty of its gradual repayment out of the revenues of India. But, whether it was done directly or by guarantee, he believed that the operation would be perfectly safe to this country, and that it would be a benefit to which India was legitimately entitled. The Government had guaranteed money on loan to Canada, to Demerara, and to other colonies, not only with advantage to those colonies and security to the mother country, but had also by such means riveted the bonds of mutual interest between this country and its dependencies. Could the same advantage be denied to India, at the same time, when it was said that England was going to take the direct government of India into its own hands? The right hon. Gentleman possibly might say that they were chary of guaranteeing loans; but had they not guaranteed a loan to Turkey with the view of putting the finances of that country into order? Were the finances of India of less importance to this country? Had they not given money to Sardinia for troops to aid in the war with Russia? He was not now arguing whether that was right or wrong, but would it be more objectionable to guarantee a loan for

the maintenance of our Indian empire? Again, this money might be raised and lent on bonds which the East India possessions would guarantee. When the English three per cents were at 95 and the East India Company were borrowing money at 6 per cent, would it not confer a great advantage on India and give a favourable introduction to the abolition of the double Government to allow India to enjoy fully her union with this country? But this was refused. It was said, "You shall be under the Crown for the purposes of power and honour, but as to the question of credit, you shall have none of our credit." When the right hon. Gentleman proposed to give to the East India Company the power of borrowing for two years, and the probability was that that Company would not live for many weeks, the absurdity of such a plan must strike every Member of that House. It seemed to him to be contrary to every principle of constitutional usage to grant a minister, who was not known, the power of borrowing £10,000,000, to dispose of existing obligations and debts, leaving the remainder to be managed no one knew how. He was not aware whether any opposition would be given to the measure at its present stage, but he trusted some hon. Member, of greater influence than himself, would express his opinion on the subject.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I do not think that the House, on a mature consideration of the question, notwithstanding the high financial authority of the hon. Member for Huntingdon and the weight with which he speaks on matters of this nature, will come to the conclusion that the Bill proposed to be brought in is founded upon incorrect principles of legislation on the two points in respect to which my hon. Friend has impugned it. The two points which he raises against this Bill are—first, that we seek to obtain for the East India Company a power of borrowing money, which, in consequence of expected legislation, that body may not be able to exercise hereafter either in respect to the borrowing or the expenditure of the money; and, in the next place, he argues that the exigencies of the Indian treasury ought to be satisfied, not by loans borrowed on Indian credit, but by loans raised on Imperial credit. Now, I venture to maintain, with great confidence, after full consideration of the subject, that the proposed Bill is founded on correct principles in both these respects, although that policy is diametrically opposed to the policy recommended by my hon. Friend. It will hardly be disputed by any one that the necessity for the Bill arises from the East India Company, the existing Government, desiring to raise money by loan for the payment of the expenses of their home treasury. If that be conceded, we have made considerable progress in the solution of this question. What is the condition of the Company with respect to borrowing powers? In India their power of borrowing is unlimited, and is included in the legislative power of the Governor General and Council. They have already created a considerable debt, and it has never been asserted that any distinct statutory authority, or any consent on the part of this House, was necessary to enable the Governor General in Council to borrow money. There is always a loan open in the three Presidencies of India, and the borrowing power of the Company in India, so far from having been disputed, has constantly been actively exercised. With regard to this country the borrowing powers of the Company have been peculiar, owing to the manner in which their anomalous authority has been created. Having been originally a trading company, which accidentally acquired sovereign and governing authority, their power of borrowing was limited by Act of Parliament, as Parliament would limit the borrowing power of any ordinary joint-stock company, such as a railway company, or the Bank of England. Owing to that circumstance it is necessary for Parliament to give to the Government of India acting in this country a specific statutory authority to enable them to borrow money in the United Kingdom; but as, although originally exercising merely mercantile functions, they have now become a political body, they have not the same advantages in the money market which are possessed by the local Government of any other dependency or colony. If, for example, the Governments of Canada or of Demerara wished to effect loans in this country, and if their credit enabled them to borrow, there is nothing in our statute law to prevent them from exercising that power to any extent to which they may be able to induce lenders to come forward; but the East India Company is peculiarly situated, and it is therefore necessary for us to ask Parliament to remove those restrictions by which, from the accident of its having been a trading company, it has been em-

barrassed. What we ask, therefore, is, that the existing Government of India in this country—that is to say the Board of Directors of the East India Company, subject to the approval of the Board of Control—may have the power of borrowing money to a certain extent in the United Kingdom, in order to defray the expenses of their home treasury. If they exercise that power they will exercise it subject to all the laws now in existence which regulate their power of borrowing. The power, therefore, is clear—the responsibility is complete—so long as the existing state of things shall remain unaltered. If it should please Parliament, upon the proposition of Her Majesty's Government, to make any alteration in the constitution of the Home Government of India, it will undoubtedly be their duty at the same time to provide for the transfer of this power, and to take care that for the future any borrowing powers created by Act of Parliament shall be exercised under proper responsibility, and that the application of the money obtained under such borrowing powers shall be subject to all the laws which regulate the expenditure of the Government of India. No dangerous interval will, therefore, occur, but there will be a clear power and complete responsibility, both during the currency of this Bill and under any amended system which Parliament may think fit to adopt. I cannot admit, then, that there is the slightest weight in the objection of my hon. Friend with regard to the principle upon which this Bill is framed. A necessity exists for authorizing the present home government of India to raise money for the wants of the home treasury. While the existing constitution of the home government continues, this Bill is adapted to that constitution: the power will be exercised, and the money will be expended under the existing law. If, however, Parliament should think fit to alter the present constitution of the home government, it must deal with this power as well as with all the other powers inherent in the East India Company, and no peculiar difficulty can arise with regard to this Bill, which does not apply to the whole of their other powers. They have already a small unexhausted power of borrowing upon Indian bonds, to which all the objections of my hon. Friend are fully as applicable as they are to the Bill of my right hon. Friend.

I now come to what I cannot but consider a most alarming proposition on the part of my hon. Friend—namely, that the loans for the service of the Indian Government should be raised, not on the credit of the revenues of India, but upon the credit of the Imperial Exchequer; and he argues that Her Majesty's Government are in some degree bound to accede to his principle, because it is understood that they are about to propose the abolition of the political powers in this country of the East India Company. I confess that I cannot see the smallest connection between the premisses and the conclusions of my hon. Friend. We have only to look to the other dependencies and colonies of this kingdom to see manifold instances in which there is a direct relation between the Crown and the dependencies—in which no proprietary body is interposed between the Crown and the dependent communities; but, nevertheless, the exchequers are just as distinct as the Imperial Exchequer and the Indian Exchequer. The loans effected by the Colonial Governments are effected upon colonial credit, unless an Imperial guarantee should be given by specific legislation of Parliament. My hon. Friend has referred to the cases of a Canadian loan and of a Demerara loan, and says that these examples ought to lead us to adopt a similar course with regard to India. Now, my hon. Friend must be well aware that the Canada loan was effected under peculiar circumstances, with a view to the settlement of differences then pending with the colony, and that it can hardly be regarded simply as the case of an Imperial guarantee for a colonial loan. Surely the case of the Demerara loan and of loans guaranteed for various islands in the West Indies—small communities which were exhausted by the measure for the emancipation of slaves, and which were in a condition of great financial distress—afford no example for extending the Imperial guarantee to an exchequer generally so wealthy as that of India. During the last Session an Imperial guarantee was given to the island of New Zealand on the ground that it was a young and struggling colony, and that there were peculiar relations with the New Zealand colony which rendered it expedient that the assistance of the British Treasury should be given to that nascent community. But these reasons do not apply to our East Indian dominions. They have never hitherto been a burden upon the British Exchequer; but, on the contrary, in the early history of our relations with India, we find that an attempt

was made to extract from that country a contribution to the English Exchequer. That "tribute," as it was called, was paid for a series of years; and we know to what an extent the delusion has prevailed that England is, in some incredible degree, enriched by contributions from India. So far from the Imperial Exchequer being called upon to guarantee Indian loans, and to become itself tributary to India, it has been the common belief of foreigners—and to some extent the opinion has been shared by our own countrymen—that the Imperial Exchequer derives assistance from the Indian revenues. I do not wish to revive a long-settled dispute as to the tribute of India in aid of the expenditure of this country; but, believing that it would never be possible, or that, if possible, it would not be just or expedient, to call upon India to meet the financial wants of the Indian Government, I cannot for one moment admit the principle that, except for some extraordinary purpose—except on account of the failure both of the Indian revenue and of Indian credit—it would be expedient or just to aid the finances of India by the credit of the Imperial Exchequer. Therefore, differing entirely from my hon. Friend the Member for Huntingdon upon the two important questions which he has raised, I justify the Bill of my right hon. Friend as founded upon principles of sound policy, and as deserving the support of this House when it shall come regularly under discussion.

MR. DISRAELI: Sir, My hon. Friend the Member for Huntingdon (Mr. Baring) can scarcely flatter himself that Her Majesty's Ministers will withdraw their intended Bill for changing the Government of India because, as they are reminded, it is brought forward during a period of great emergency; for my hon. Friend may recollect that it was in the midst of a great emergency that, after full and complete consideration, Her Majesty's Ministers arrived at a conclusion that such a policy ought to be recommended to Parliament. Considering the intimation on that subject which was contained in the Speech from the Throne in December—considering the documents, consisting of correspondence between the highest authorities connected with the Government of India at home and no less a personage than the First Minister of the Crown in this country, which, if not formally placed upon the table, are, I believe, in the possession of every Member of this House—considering that only last night the First Minister of the Crown in another place signified the intention of the Government to bring forward speedily a measure for changing the governing powers of India in this country,—I think my hon. Friend can scarcely flatter himself that his appeal will be successful, and that the Government will abandon that intention. It does not appear to me, however, that Ministers are acting with that ingenuousness and candour to the House of Commons on this subject which we have a right to expect. After the notification from the Crown, and the correspondence that has taken place between the ministers of the Crown and the Court of Directors, after the announcement made to the other House of Parliament on this subject, it appears to me very remarkable that the House of Commons should be the only place in which no official intimation has been received from Her Majesty's Government of their intentions on this important subject, although our attention is now called to a measure of great magnitude, which affects the whole revenue of India, and in which the interposition of the House of Commons is necessary to carry out the government of that vast country. Nor do I see that the right hon. Gentleman has met the difficulty of this question, because the point really is—what will be the most advantageous terms on which the home government of India can raise the money required? We are told to-night that it is the determination of the Government that, whatever charges may take place by reason of any loans raised in this country by the home government of India, those charges shall fall upon the revenue of India, and upon that only. Now, Sir, I am not going at this moment to question the policy or propriety of that determination. But if that be the determination of the Government, and if the loans proposed to be raised are to be a charge on the revenues of India, it becomes an element of calculation to those who lend whether the security will be best under the government that now exists and administers the affairs of India, or under the administration of the government projected by Her Majesty's Ministers. That is a distinction of the utmost importance—one which the House is bound to consider—and so far as the financial question is concerned it involves the whole question of the policy of the change about to be made in the government of India. I agree, therefore, with my hon. Friend the Member for

Huntingdon that it is a matter of grave consideration whether the House either should or can entertain at the present moment a measure of this kind which empowers the home government of India to raise—not for pressing and immediate purposes alone, but for future and distant purposes—loans to a large amount. It is and must be a matter of the first consideration to those who have money to lend, to ascertain and estimate what is the security upon which that money is lent. If the security is only to be the revenue of India, the first question with those who lend money will be as to the government by which the affairs of that country are to be administered, and the means by which that revenue will be raised. There may be, in the answer to this question, a difference between 3 and 6 per cent, and between 6 and 9 per cent. There are some who may be so sanguine of the advantages of the change which is meditated by Her Majesty's Ministers, that they may consider the security offered for the loan infinitely improved by the administration of India being placed under the Crown. But there may be, on the other hand, an influential body of persons in this country, and those peculiarly attracted to these loans, who may look with alarm and distrust to the proposed alterations of the Government, which may, in their opinion, shake the very foundations of Indian revenue and touch the resources of that country. The House will understand that I do not refuse to sanction the introduction of this Bill. That would be an act of discourtesy to the Government, to which I for one can be no party; but we ought to signify to-night that the House of Commons, in permitting the Bill to be introduced, does not pledge itself to support it at any future stage. I incline to think that when this measure is well weighed it will be found replete with grave objections, and that it will demand our most serious and earnest consideration.

MR. CARDWELL: There can be no doubt that the East India Company are in need of money, and that for us to give them the power to raise it is not only a reasonable demand, but one that we cannot refuse. But there is a question which it is of great importance that we should understand before we take any step that commits us to the Bill now before us,—I mean the question, what are the future liabilities of the Consolidated Fund with regard to the finances of India? It will be our bounden duty to take care that all the money which may be a charge upon the taxpayers of England, levied only for a necessary purpose, shall be levied at the lowest cost, so as to be the smallest possible burden upon the taxpayers. There is a great difference between money borrowed by the Crown and that borrowed by the existing Government of India, and it may happen that money may cost half as much again when raised by the Government of India as it would when raised by the Crown. I admit that there is great inconvenience in forestalling a discussion upon the wide, important, and difficult question which I know we are going to consider in the present Session of Parliament. I will therefore ask no question which is calculated to forestal or precipitate that discussion; but the question of what is to become of the finances of India forces itself upon us in the consideration of this Bill. I understand the Chancellor of the Exchequer to say—and if I am in error there will be ample opportunity of correcting me—that in any changes that are to take place in the Government of India the finances of India will remain upon the same basis on which they now rest—namely, the revenue of India, and that in undertaking the Government of India Her Majesty's Ministers do not undertake the responsibility of Indian revenue so as to make it, in any event, a burden on the taxpayers of England. I understand the right hon. Gentleman to say that if any calamity should occur which would render it impossible for the liabilities contracted by the Crown of England for the Government of India, to be paid out of the resources of India, no charge and no liability can arise in regard to India for which the House of Commons can be called upon to provide out of the revenue raised by the taxpayers of England.

MR. HENLEY said, no one would dispute the proposition of the right hon. Gentleman (Mr. Cardwell) that the East India Company were in need of money; but the question was whether the course taken by the Government was calculated to obtain the money on the best terms. He thought that the House had been rather cut short of the information necessary with regard to Indian finance, and that when so large a sum was to be borrowed entirely upon the credit of the finances of India it would have been well if some general exposition

of the state of the finances of India had been offered to the House. Indeed, when Government were about to borrow so large a sum as £10,000,000 upon any system of finance, the Ministry generally condescended to give some information as to the means by which the loan was to be repaid and the interest secured. No financial exposition of the state of Indian finance was made last year, and the House was therefore in a worse position than usual for forming an opinion on the subject. It must be considered a serious omission in the right hon. Gentleman's statement that he did not even tell the House whether the finances of India stood in a better or worse position than they were in when the last statement on the subject was made to the House. It appeared that money could not at present be raised in India at less than 6 per cent. The Chancellor of the Exchequer proposed to take power to let English persons contribute to these loans for India. If the security were to be exactly the same for loans raised in India and in England, the Bill might facilitate the raising of money in India, but it would also have some effect upon the rate of interest for which money could be got in this country. He was glad that the credit of the Consolidated Fund was not to be pledged for Indian loans, because if that system were once begun no man living would see the end of it. He was afraid that troubles would always arise if they were to entail a pull on the Exchequer, and he therefore hoped the Government would stand fast by the determination they had announced.

MR. MANGLES was satisfied that he should readily be believed when he said that it was not the East India Company who had requested the Government to bring in the Bill, the tendency of which, as far as he knew—and he knew very little—would be to dissolve the connection of that Company with the government of India; but he was bound to state that it was at the request of the Company that Her Majesty's Government had consented to bring in the present measure, which he assured the House was absolutely necessary for the current service of the Government of India. No matter in whose hands that government might be placed, it was at the present moment absolutely essential that the home treasury should have the command of much larger sums than had hitherto been found necessary. It was needless for him to say that that replenishment was rendered necessary by the number of troops sent out owing to recent events, and the enormous pecuniary losses sustained in the course of the mutiny, which had prevented the Government of India from making the ordinary remittances. He would, however, in reply to the right hon. Gentleman opposite, specify some of the reasons why the sum now named was required. So large an amount was wanted in consequence of the enormous sums paid for the conveyance of troops; in consequence of the vast quantity of military stores which it was necessary to send out to India; in consequence of the Government of India having made a requisition upon the Company, which had been already met to the extent of £1,000,000 in silver bullion; in consequence of the probability of still larger numbers of troops and greater quantities of stores being required—for there could not be the slightest doubt that as regarded troops a number very far beyond the average would have to be sent out next year; in consequence of the possibility that they would have to make another large remittance of bullion to maintain their credit in India; in fine, in consequence of the difficulties which any Government would have to encounter before the settlement of Indian affairs could be effected. Was it not evident that the home Government must be placed in a position to surmount those difficulties? And how ruinous it would be at the present moment to stop the machinery of government, and thus deprive the authorities in India of the means of defence. The right hon. Gentleman the Member for Buckinghamshire said that this money was not wanted for immediate and pressing purposes. The House would judge of the accuracy of that statement when he informed them that at the present moment the home Government of India were indebted to the Imperial Government for stores, for charges on account of troops, and other matters, in a sum of more than £3,000,000, a large proportion of which the Treasury were now pressing for, and which would have to be paid within the next month. The right hon. Gentleman the President of the Board of Control had read to the House an estimate of the amount required, which showed that for 1858 the expenditure would exceed £7,000,000. Probably it would be found necessary to send out troops by steam, in order to expedite their passage to India, which would cause an additional expen-

diture. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley) argued that because money could be obtained at Calcutta only at 6 per cent, it was a natural consequence that the money required could not be raised at a less rate of interest in this country. But the fact was that 6 per cent at Calcutta, measured by the rates at which private merchants borrowed on the best security, in India and England respectively, did not amount to more than 3 per cent in this country. And the Company, in fact, borrowed as cheaply in relation to private individuals when it borrowed in Calcutta at 6 per cent, as the Government here did when they borrowed at 3 per cent. The Company's 4 per cent. bonds were at this moment at a premium of 20*s.* per cent, which at least proved that the credit of the East India Company had not fallen so low as the right hon. Gentleman thought. His hon. Friend stated that when other colonies wanted money they came into the market and borrowed it upon their own responsibility, and high legal authorities were of opinion that the Government of India might do the same; but it was thought that, in circumstances so unparalleled as the present, the fairest and most open course was to come to Parliament, state the facts of the case, and ask for authority to borrow £10,000,000 more. He did not think that this sum would be a larger margin than was wise and safe for the service of the country. He thought the House would agree with him, that whatever measure was looming in the distance with respect to the future government of India, the present was not a time when they ought to allow the machinery of Government to stand still for want of funds; but that when their resources were, as now, exhausted, they should at once authorise them to borrow sufficient to enable them to carry on such operations as would strengthen the hands of the Government in India, and supply them with sufficient men and materials to bring the great event which they had on hand to a successful conclusion.

SIR FRANCIS BARING said, that the hon. Gentleman who spoke last did not seem quite to understand the difficulty which had been raised and which he was bound to say he himself entertained. He apprehended that no one had the slightest wish—certainly he had none—to throw any difficulty in the way of the East India Company, or any other Government whatever, obtaining sufficient funds to carry on the public service. For his part he was quite prepared to act with liberality towards the Company; all that he asked was that such a loan only should be demanded as was sufficient for the present year. As he understood the hon. Gentleman, that amount required would be about £7,000,000. Confine it to that, and let them not be issuing debentures for a year and a half. By adopting the suggestion he now made, they would only be pursuing the just and natural course which was pursued with reference to loans required for this country. Of what use was it making a different rule with respect to the East India Company, when the probability was that in less than six months the East India Company would be matter of history? Of course he alluded only to what he supposed to be the intention of Her Majesty's Government—he did not, any more than any one else, know what the House might do; but, at all events, he thought it would be no harm to let the Government bring in a Bill which he, for one, should cordially support, the object of which should be to provide, by way of loan, for the amount of money they would require for one year. No doubt what the hon. Gentleman (Mr. Mangles) had stated was quite correct; the East India Company had very properly made an application to the Government, a communication had taken place, and a statement had been made as to the amount required for the service of the year; and he had not the slightest objection to a measure which would provide a liberal allowance over that; but he did object to vote money which was to be dealt with, they did not know when or by whom. On what guarantee it was proposed that this sum should be raised did not seem to him very clear. It was quite certain that the Chancellor of the Exchequer would have nothing to do with it, for he had assured them that he would throw no additional sum on the finances of England to provide for the wants of India; he stated that he would take care that the finances of India should not be transferred to the general Imperial finance; and, therefore, as far as finance was concerned, he assured them that the Government of India would be no acquisition to the home Government at all. Whatever other effect it might have, he did not think the speech of the Chancellor of the Exchequer would contribute much to getting the money at a good price. But he hoped the House would not be led away by

such a statement from the real point of the case. Let them remember what Sir Robert Peel said — "Chancellors of the Exchequer may make speeches, but good sense and good faith will be stronger than all your Chancellors of the Exchequer." If their dominion in India were restored — and God forbid that he should express any doubt about it — they would have ample funds to meet their difficulties; but if they failed, did they suppose that the nation would not have to pay? Did they fancy that because the Chancellor of the Exchequer said that he could not be responsible for sixpence the people of this country would not have the good faith and honesty to pay the money?—and the right hon. Gentleman would be the very first man to come down to that House and move that the expenditure should be transferred to the general finance of the country. What he contended was, that it was the duty of Parliament to see that no unnecessary charge was imposed on the revenues of India; and that their real interest would be to raise the money at the most reasonable rate of interest, because if there was the slightest chance of their being called upon to repay it, it was their business to do so. If, then, advantage could be taken of the credit of this country, and the money could be raised at a lower rate by giving the guarantee of this country, it was for the interest of India, and ultimately of this country also, that such a course should be taken. He understood his hon. Friend to say that at the present moment the Company owed the Government £3,000,000; there would be no great harm done if, after all, it was found that the estimated £7,000,000 was not sufficient, in allowing this debt to the Government to stand over for a short time. Probably his right hon. Friend would consider whether during the course of this Bill it would not be expedient to furnish the House with an account of the exact amount required for the service of the year; and reduce the amount of the loan to that sum.

COLONEL SYKES said, this was not the time to address the House on the subject of the proposed plan of Her Majesty's Government, which was at present *in nubibus*. He would give his opinion on that plan when it came before them. The measures adopted for the preservation of our empire in India had necessitated an enormous outlay which had almost drained the Treasury of the Indian Government, and it was absolutely necessary that money should be had in this country. Whether by guarantee of the Government of this country, or merely on the revenues of India, the money must be had. With regard to this guarantee, he would express his conviction that in the present temperament of the 180,000,000 of persons in India, if it were the intention of Her Majesty's Government to carry out the views expressed by certain parties in India and England as to placing India under the direct authority of the Crown, the guarantee of any sum of money to be raised now or hereafter, whether upon the revenues of India or the revenues of England, would in the course of a few years not be worth a rush.

SIR HENRY WILLOUGHBY said, he considered that it was absolutely necessary that the whole state of Indian finance should be laid before the House. The House of Commons had done many queer things in the way of finance, but they would never do a queerer than the authorising of a loan for the purpose of raising £10,000,000 without the slightest information upon a branch of finance which he did not hesitate to say was, as far as he knew, in the most critical position. It was notorious that, taking the revenue of India for the last five years, it showed, although reaching the enormous amount of £28,000,000, a deficiency on the charges, which deficiency, be it remembered, existed before the commencement of any of the troubles which had since come upon it. It was difficult, therefore, as far as India was concerned, to know what security could be granted for loaning to any extent. He quite concurred in the view of the hon. Member for Portsmouth (Sir F. Baring), that they ought not to go one single step beyond the absolute necessity of the case, but should limit the loan to the amount required for the year. It was impossible not to remark that Her Majesty's Government had chosen the present critical moment to raise questions which could not fail to embarrass the Government both here and in India. He could not conceive what had induced them to think of making the slightest change at such a moment. At all events, he was pursuaded that if once the Government of India was placed under the direct control of the Ministry, it would be impossible for the House to prevent the country from drifting into liability—in other words, the finances of England would have to be abstracted to pay the deficiencies of India. It was difficult, perhaps, to trace at this moment how liability would arise, but he

did not feel the slightest doubt that it would arise. It was, therefore, doubly important at a time when a measure placing the Government under the Ministry was contemplated, that they should know upon what basis the present proposed loan was to be raised. He understood the right hon. Gentleman the Member for Oxford (Mr. Cardwell) to say that the House represented the taxpayers of the kingdom; it represented, also, the whole empire, and it was, therefore, peculiarly their duty to see that no class slipped out of their liabilities, or they would certainly have to tack them on to the general taxation. But another question arose. When, in 1833, the Home Government was instituted on its present basis, it was expressly stated that the interest of the Proprietors was confined to the East India Stock which was converted into annuities of £680,000, which were to be a first charge on the Indian revenue, and that system of government was supported on the ground that no class of persons had so much interest in the good government of India as those whose property depended upon it. He should like to know whether they were not by the proposed Bill very much affecting the security of the Proprietors? One of the great questions to be considered was, whether Parliament was acting in good faith in matter of finance if it did not take into consideration the ground upon which the principles of the Home Government were settled at that time. He only mentioned that fact to show the necessity of proceeding with caution in dealing with the finances of India. He was quite persuaded that the noble Lord at the head of the Government would find it the most difficult of all questions to settle in his attempt to place the Indian dominions under the direct authority of the Crown.

MR. DANBY SEYMOUR observed, that the Proprietors' dividends would still be secured by their continuing to be a first charge on the revenues of India. His hon. Friend behind him (Sir F. Baring) would limit the amount of loan to the necessities of one year; and if he (Mr. Danby Seymour) understood the speech of his right hon. Friend the President of the Board of Control, the Government did really wish to limit the loan to the necessities of the present year. He believed the necessary expenditure for the present year would be nearer £8,000,000 than £7,000,000; it was always customary to keep a reserve of £1,000,000, which would bring the sum up to £9,000,000; and surely, under such extraordinary circumstances, it was not too much to ask leave to raise another £1,000,000, which would complete the amount of the proposed loan. From the speech of his right hon. Friend (Sir F. Baring), he should think that he would be strongly in favour of raising the loan on the credit of this country, because he seemed to say that in any case the whole debt of India would be in the most difficult position, and he referred to a statement made by Sir Robert Peel fifteen years ago. But taking into consideration the whole subject, most people would arrive at the conclusion that the liability would fall on this country, not in consequence of any debt hitherto contracted, but in consequence of having utterly exhausted the purse of India, and being obliged to raise other loans on the credit of this country, in order to carry on wars which had arisen out of certain states of circumstances, and cost us an enormous expenditure. If the question were to be argued in any other way, why did they not go into the market at once and endeavour to save 2 per cent, instead of proposing to raise the money at 5 per cent. The present rate of interest in this country was little more than 3 per cent, and they would indeed be giving people a good bargain if they were to propose to raise money at 5 per cent on a guarantee of the revenue of this country. As the loan was put out it was solely on the guarantee of the revenue of India, and on no other guarantee whatever.

MR. J. B. SMITH considered that before this loan was granted an estimate of Indian finance should be laid upon the table of the House.

MR. VERNON SMITH, in reply, said he should omit all reference to any expected measure with respect to the future government of India, except it bore upon the objections which had been raised to this Bill. He wished to confirm in the strongest manner the statement of his right hon. Friend the Chancellor of the Exchequer, that there was not the slightest intention of charging the revenues of this country with the payment of any portion of this loan. The objections raised on the present occasion seemed to him applicable to the Bill when it was in Committee more than at present. The question, for instance, as to what amount was sufficient for the necessities of the year was one which it would be very competent for his right hon. Friend (Sir F. Baring) to raise

in Committee; and he hoped that the House would, considering the urgent necessity there was for the East India Company's obtaining money, consent that the Second Reading of this measure should be taken at as early a period as possible. The urgency of the case, indeed, was admitted on all sides, as it was well known that there had been for a long time a deficiency, and he trusted no obstruction would be offered to the progress of the measure. The want of a thorough knowledge of the state of the Indian finances complained of by the right hon. Gentleman the Member for Oxford, was not owing to any fault of his. What he stated last summer on this subject was equally applicable at the present moment. The right hon. Gentleman wished to know whether the finances of India had improved. His own knowledge of what had passed in India during the last six months might satisfy him that it was impossible that its finances could have improved—to maintain them at an average point was all that could be expected. With respect to the amount now required, he might say that not one farthing of it was required for the general purposes to which the Indian revenue was applied, but it was only to complete the necessary home expenditure. He said that advisedly, because whether the government of India remained with the Company, or was vested in the Queen's Government, it was absolutely necessary to raise a sum of money for carrying on actual operations in our Indian empire.

Leave given.

Bill *ordered* to be brought in by Mr. VERNON SMITH, the CHANCELLOR OF THE EXCHEQUER and Mr. MANGLES. Bill *presented* and read 1°

EAST INDIA (CADETSHIPS).

RETURNS MOVED FOR.

COLONEL SYKES moved for a Return of the number of Cadetships and different classes of individuals upon whose sons all Cadetships for India have been conferred by the Directors of the East India Company and President of the Board of Control, in the several years from 1840 to 1857, both inclusive. The Return was similar to one which had been moved on former occasions, and he had hoped that there would be no objection to its production on the part of the Government. He might observe that nine-tenths of the Cadetships in India were given to the middle classes, and he had no doubt that his colleague in the Court of Directors would willingly allow every individual case to be marked. He expressed his opinion that when the Return was furnished it would be found that not one single Cadetship had been given for party purposes.

MR. VERNON SMITH said, if his hon. and gallant Friend had done him the honour to consult him as to the form of this Return, he should have been glad to have consented to it in a modified form, but it appeared to him there would be great difficulty in making the return as moved. He did not know how they were to classify individuals. Were they to state as to each individual whether he was the son of a clergyman, or a lawyer, or a Member of Parliament? He thought that would be very difficult, and if not difficult it would be very invidious. If the hon. Gentleman thought, however, he could get the Return, he had not the least objection, but he thought it not well that such a Return should be made. The reason of the middle classes going to India was, that they found it a favourable sphere for their exertions, and they had more of that patronage because they were more willing to take it. He did not know what the hon. and gallant Member meant by the middle classes. If he meant the sons of tradesmen he believed there were very few who had received Cadetships. But there was no imputation whatever on the persons sent. They had many of them distinguished themselves, and there was no imputation on them. The Motion referred to Cadetships conferred by the Directors of the East India Company and the President of the Board of Control, whereas he knew very well that the Cadetships were all conferred by the Directors. If the hon. and gallant Member wished to show the distinction he should be too glad to show it. Then the period was fixed from 1840 to 1857. He could not tell why that period was fixed upon, till on looking at the East India Registrar he saw that in 1840 the hon. and gallant Member was first made a Director. If the hon. and gallant Gentleman would restrict his Motion to the last ten years, he (Mr. Smith) should have no objection to it as far as he was personally concerned.

COLONEL SYKES had originally intended to make his Motion apply to the last twenty years, but he found that returns had already been published which came down to 1840. With regard to the right hon. Gentleman's objection to the form of

his Motion, he had only to say that the Returns made under it would exactly follow the precedent of the Returns which had already been laid before the House. Under these circumstances, he could not consent to any alteration, and he should, if necesary, divide the House.

Motion *agreed to.*

Return *ordered,*—

"Of the number of Cadetships and different classes of Individuals upon whose sons all Cadetships for India have been conferred by the Directors of the East India Company, and President of the Board of Control, in the several years from 1840 to 1857, both inclusive."

EAST INDIA (HINDOO SHRINES, &c.)
RETURNS MOVED FOR.

SIR HARRY VERNEY moved for copies of all papers not already presented to the House, connected with the various annexations of territory in India, including minutes by individual directors, since the annexation of Sattarah; account of all sums paid to Hindoo or Mahomedan shrines, or in any way in honour or support of the religion or religious institutions of the native inhabitants of India, which were collected or disbursed by the agency of the East India Company's servants during the year 1857; copies of the petition of the inhabitants of Calcutta for the recall of the Governor General, together with any observations which he might have made thereon; and, of any despatches from the Court of Directors of the East India Company to the Government of India respecting the appointment of commissioners to inquire into the causes of the military mutiny in that country, and the means of reorganizing the Bengal army.

MR. VERNON SMITH said, that he had no objection to produce the papers asked for; but with respect to the petition from Calcutta for the recall of the Governor General, he must make a short statement. That petition had been sent home to be presented to the Queen by his noble Friend at the head of the Government. He (Mr. Vernon Smith) stated at the time, and he begged to repeat now, that that was, according to all colonial doctrine, an informal manner of presenting a petition, and that it ought to have come through the Governor General. Being informal, his noble Friend had taken the usual course of returning it to the petitioners, to be forwarded again, if they thought fit, through the Governor General, when the Governor General would send a detailed communication on the subject, addressed probably to the Court of Directors. In the meantime, however, hearing that such a petition was in course of signature, the Governor General had procured a copy of it, and had sent it to the Court of Directors, accompanied with a few hasty observations. That was a public document, and if the hon. Baronet wished to have it he should not object to produce it; but he wished the House to consider that those observations of the Governor General were only in the nature of hasty notes written on a petition casually brought up to his notice, and that they did not contain that detailed information which his noble Friend would willingly have given if the petition had been presented in due form.

Motion *agreed to.*

Account *ordered,*—

"Of all sums paid to Hindoo or Mahometan Shrines, or in any way in honour or support of the Religion or of Religious Institutions of the native inhabitants of India, which were collected or disbursed by the agency of the East India Company's Servants during the year 1857."

"And copies of the Petition of the Inhabitants of Calcutta for the recal of the Governor General, together with any observations he may have made thereon."

House adjourned at a quarter after Eight o'clock.

HOUSE OF LORDS,

Saturday, February 6, 1858.

MINUTE.] TOOK THE OATHS—The Viscount Stratford de Redcliffe.

MARRIAGE OF THE PRINCESS ROYAL.
ADDRESS PRESENTED.

House adjourned at half-past Two o'clock, to *Monday* next, half-past Four o'clock; and the House proceeded to Buckingham Palace, to present the Address of yesterday to Her Majesty.

HOUSE OF COMMONS,

Saturday, February 6, 1858.

PRINCESS ROYAL'S MARRIAGE.
PRESENTATION OF ADDRESS.

THE QUEEN having appointed to be attended this day, at Three o'clock, at Buckingham Palace, the House adjourned at half after Two o'clock; and after, Mr. Speaker, with the House, went up to attend Her Majesty with their Address.

HOUSE OF LORDS,

Monday, February 8, 1858.

MINUTES.] PUBLIC BILLS.—1ª Transfer of Land. 2ª Bishops' Trusts Substitution; Church of England Special Services.

TRANSFER OF LAND BILL.

BILL PRESENTED. READ 1ª.

THE LORD CHANCELLOR presented a Bill to facilitate the Sale of Land. The noble and learned Lord said, that a paragraph in Her Majesty's Speech at the opening of the Session announced the preparation of a measure for simplifying the sale and transfer of land, and he now presented to their Lordships a Bill on the subject, to which he asked their Lordships to give a first reading. This measure was one of the fruits of the recommendations made by the Commission appointed by the Crown four years ago pursuant to a Resolution of the House of Commons. That Commission had made a most elaborate and able Report; and although he was bound to say that he could not concur in all the recommendations contained in the Report, yet the present Bill, which was mainly founded upon one of them, had his entire concurrence and approval. He now asked their Lordships to give the Bill a first reading, and he proposed to have it read a second time that day fortnight, when he should feel it to be his duty not only to explain the measure itself, but also explain why he did not feel himself warranted in going the whole length of the recommendations in the Commission.

Bill read 1ª.

RELATIONS WITH FRANCE.—THE ADDRESSES IN THE *MONITEUR*.

QUESTION.

LORD LYNDHURST: I wish to ask my noble Friend the Lord President whether any communication has taken place between this country and the Government of France with reference to certain offensive paragraphs which have lately appeared in the *Moniteur*. These paragraphs having been inserted in the *Moniteur*, and nothing appearing in that official journal except with their concurrence, the French Government are responsible for those offensive paragraphs. I belive that the French Government have entered into some explanation on this subject. I will not refer to that explanation except to say that, the French Government having rendered themselves responsible for those insults, I think we are entitled to look to that Government for an explanation, and if necessary for a retractation. Within the last day or two I perceive that an article has been transferred from an English newspaper to a French newspaper, which, by omitting some passages and perverting others, may be converted as an acquiescence on our part in the insults that we have received. Now if the object of any Bill which may be brought into Parliament be merely to increase the punishment for conspiring to commit murder without at all in the slightest degree referring to that which is really the essential point between us, namely, facilitating the means of detection—which I understand to be the result of the measure contemplated by the Government, I am apprehensive it will be considered as having been introduced for the mere purpose of soothing that unjust and uncalled-for irritation in France which has led to the insults to which I refer. I hope my noble Friend will be able to say whether or not any communications of the nature to which I refer have passed between the two Governments.

EARL GRANVILLE: I am sorry my noble and learned Friend has not given me notice of his question, for then I should be able to answer it more accurately. A despatch has been written by Count Walewski and delivered by Count Persigny to Lord Clarendon, in which an explanation is given of the publication of these addresses, and in which the Emperor of the French expresses his regret that anything offensive to the English nation should have been inserted in the *Moniteur*.

LORD LYNDHURST asked if the despatch to which the noble Earl referred would be laid on the table?

EARL GRANVILLE said, that as his noble and learned Friend had given no notice, he was not prepared with a decisive answer; but he imagined that there was not the slightest objection to its production.

EAST INDIA COMPANY'S PETITION.

QUESTION.

EARL GRANVILLE said, his noble Friend (Earl Grey) had given notice that it was his intention to present a petition from the East India Company on Thursday next against the proposed measure for altering the government of India. It would be for the convenience of the House if his noble Friend would say whether it was still his intention to present the petition on that day, and whether he would

accompany it with any remarks that were likely to lead to a discussion? He was, no doubt, aware that notice had been given in another place that a Bill relating to Indian Government would be introduced on Friday, the day following that on which his noble Friend proposed to present the petition, and he thought that some inconvenience would be experienced if their Lordships were called on partially to discuss the question without any knowledge of that measure. He hoped, therefore, that his noble Friend would postpone the presentation of the petition for a few days further.

EARL GREY said, the petition was from so very important a body, and referred to so very important a subject, that in presenting it he would take occasion to state the substance of the petition, and its prayer; and he should also consider it necessary to add a few remarks, setting forth how far he agreed or differed from the views expressed in it. Whether that would lead to a debate or not it was impossible for him to say; but he did not think it would be desirable to postpone the presentation of the petition till after the Bill referred to by his noble Friend had been introduced in the other House, and he was therefore disposed to adhere to the notice which he had given.

MARRIAGE OF THE PRINCESS ROYAL.—HER MAJESTY'S ANSWER TO THE ADDRESS.

THE LORD CHANCELLOR *reported* The QUEEN'S Answer to the Address of Friday last as follows:—

My Lords,—I thank you for your loyal and dutiful Address on an Occasion so deeply interesting to me as the marriage of my beloved daughter. I trust that, by the blessing of Divine Providence, she may derive constant happiness from an event which has been hailed with such affectionate sympathy on the part of my people.

At the request of Lord PANMURE the Earl of SHAFTESBURY having postponed the Order for the Second Reading of the Religious Worship Amendment Bill:—

VOTE OF THANKS TO THE CIVIL SERVICE, ARMY, AND NAVY IN INDIA.

LORD PANMURE: My Lords, I thank my noble Friend (the Earl of Shaftesbury) for having so readily given way on this occasion, and permitting me, at the earliest possible period of the evening, to introduce the subject of a Vote of Thanks to the Indian Services. The Motion of which I have given notice is one that naturally falls into my hands from the situation I have the honour to hold, and it is one that could not but afford the greatest pleasure to any person who might be called on to propose it. I feel, however, that the duty is an important and delicate one, and I dread lest, in the discharge of it, I should, by any feebleness of expression or any inadvertent omission, cause disappointment to any one. Your Lordships, therefore, must perceive how much I stand in need of indulgence on such an occasion, and I trust it will be freely extended to me.

My Lords, the honour which is conferred by the Thanks of this House is, to all those who serve their Queen and country, the greatest and the highest that can be bestowed. These Thanks are rarely given, and they are only expressed when Parliament feels it is thereby giving utterance to the concentrated feelings of the nation at large. There is not a man who serves his Queen and country who does not, in all the duties he performs, constantly bear in mind what his country thinks of his performance of those duties. When Sir John Moore was wounded and dying at Corunna, almost his last words were, "I hope they will do me justice at home."—"I hope they will do me justice at home"—"What will they think of us at home?" express the feelings that pervade every noble and patriotic mind in the performance of every duty; and the result of the judgment given at home cheers many an hour of uneasiness and irksomeness, and sustains the soldier's heart in many a hard-fought field. It is my duty to draw your Lordships' attention to circumstances which have run over a considerable space of time, and extend over a wide field of action. There are three classes of individuals to whom I shall ask your Lordships to tender the expression of your thanks. The first of these are the individuals high in station in India, under whose administration the operations for putting down that mutiny, which we all so deeply regret, have been carried on. The second class includes those heroic commanders who have achieved for their country additional honours, and for themselves those distinctions which have been conferred upon them for the singular services

they have performed. The third class are those who, not belonging to the military service, have nevertheless volunteered to aid in various parts of India, either in putting down the mutiny in the service of the Queen, or in defending posts at which they had been placed.

Following this category, my Lords, the first individual to whom I shall refer is the noble Lord who, in the trying circumstances in which it has been his lot to be placed, has administered the government of India—to Lord Canning, the Governor General of India. It is my conviction that the Thanks of this House, and not the Thanks of this House only, but its gratitude also, are due for the calm, courageous, and prudent manner in which he has borne himself in the midst of the greatest difficulties. There is no one, I think, who will assert that, had there even been at the helm of Indian affairs a Clive or a Wellesley, he could have prevented or anticipated the outbreak of this disastrous mutiny. This mutiny, my Lords, was as little expected in India as it was here; it precipitated itself on the country like an avalanche, and it came at a time when Lord Canning had at his command nothing more than the ordinary resources for maintaining the peace of the country. But, my Lords, notwithstanding this, the detailed narratives of the past exhibit the readiness and the calm courage with which he at once applied himself to the duty of putting the resources at his command in motion for the mitigation and suppression of the revolt. He sent out orders conferring almost unlimited power on the local governments in the districts in which the mutiny had presented itself, and applied all the resources within his reach to aid and reinforce the British troops already in Bengal. He applied in the first place to Lord Elgin for the loan of those troops which had been destined for another purpose. Already had the Government at home given orders, on the information which had reached them from India, that those troops should be so diverted; but of this Lord Canning could know nothing; that already had instructions been sent out to Point de Galle that the ships conveying those troops should on arriving there be sent on to Calcutta, and thus to Lord Canning was offered the first military assistance which enabled him to reinforce the frontiers of India. Lord Canning, furthermore, forwarded a requisition for aid to Sir Henry Ward, in Ceylon; and Sir Henry Ward, with the same alacrity which Lord Elgin had shown, at once consented to send to Calcutta all the assistance in artillery and infantry which he could possibly spare. He made a similar application to Sir George Grey at the Cape, with an equally favourable result. He received from these governors the utmost assistance, not only of men, but of horses, stores, and artillery. To Lord Elgin, Sir Henry Ward, and Sir George Grey, the approbation of their Sovereign has already been conveyed for the zeal and promptitude with which they responded to the appeal of Lord Canning for aid, and furnished reinforcements before they could possibly be received from England. Lord Canning not only sent for aid from without, and applied the resources he had within for the purpose of putting down the mutiny, but he set himself at work to organize the means of forwarding the troops to the disaffected districts as they arrived from Europe; and I have it in my power to state on unquestionable authority that in that endeavour he entirely succeeded. Since the mutiny first broke out, although the channels of communication had been interrupted, and difficulties far greater than could have been anticipated had been thrown in the way of obtaining the means of carriage, upwards of 20,000 troops have been moved from Calcutta to the central provinces, most of them by land, and those troops were brought to the scenes of action where their services were required in the most efficient state. For that purpose a system of carriage by bullock carts was admirably organized. Lord Canning had often been blamed for not insisting on the violent seizure of all the means of conveyance in the country in this great emergency, and thereby running counter to all the prejudices of the ryots and the various small landed proprietors; but by the more temperate course he pursued, by working on the feelings of that class of individuals, and by his uniform calmness and decision, Lord Canning has not only avoided the necessity of resorting to a forcible seizure of their conveyances, but has procured the hearty co-operation of the ryots themselves, and to such an extent that, according to the last accounts, the means of conveyance for his troops were so abundant, that in one day no less than 500 carts, with all their appurtenances, were found in superfluity at the railway stations. Therefore, my Lords, I think I am justified in asserting that Lord Canning has used every means at his disposal for the purpose of meeting the

extraordinary state of things in the country over which he rules. But it is not for these reasons alone that I think Lord Canning deserving of the grateful consideration of your Lordships. I cannot but admire his entire bearing through all the trials and difficulties he has had to encounter. I believe, my Lords, it is not too much to say that no one placed in a position of such difficulty could have exhibited a greater degree of moral courage, moral readiness, or more determination to meet the exigencies which surrounded him, than the noble Lord to whom I am now moving the Thanks of your Lordship's House.

My Lords, the next individual, high in rank and eminent for his abilities, to whom I invite your Lordships' thanks, is Lord Harris, the Governor of the Presidency of Madras. To Lord Harris we are indebted, during all the troubles which have prevailed in Bengal, for maintaining the peace of his Presidency entirely undisturbed; and not only has its tranquillity remained wholly undisturbed, but its soldiery have remained uniformly faithful to their standards and loyal in their attachment to the British rule. Lord Harris has been enabled to send not only such of the Queen's troops as were in his Presidency to Bengal, but also the gallant Neill at the head of his Madras Fusileers; I think your Lordships will be of opinion that Lord Harris has earned a title to the thanks of your Lordships' House.

Again, in another Presidency of India, another noble Lord, well known to your Lordships—I mean Lord Elphinstone—has rendered services well worthy your Lordships' approbation for the manner in which he has administered the Presidency of Bombay. In all that has occurred no man has shown greater decision of character, greater readiness of resource, or greater desire to contribute relief to his noble Friend at the head of the Presidency of Bengal than he has done. It was by Lord Elphinstone's arrangement that reference was made to the Mauritius for troops, and there, as at the Cape and at Ceylon, the Governor cheerfully contributed the force at his disposal. It was by Lord Elphinstone's arrangements that an organization was formed at Bombay for the purpose of getting overland such troops as could be forwarded by that route. It was by Lord Elphinstone's sagacity that almost throughout the Presidency of Bombay peace and order were preserved, and he was thereby enabled to send that aid to Lord Canning which proved so useful. In doing so he displayed a courage which cannot be too highly estimated, for he did it at a time when the troops in his own Presidency afforded ground for much anxiety; but still he did not hesitate to make the sacrifice which he believed the public interest demanded.

Then, my Lords, there is another civil officer to whom I think our thanks are eminently due. That officer is Sir John Lawrence, the Chief Commissioner of the Punjab. It is hardly possible to mention the name of Lawrence without exciting in the breast of every one who is acquainted either with the government or the country of India feelings of the deepest gratitude and admiration. Sir John Lawrence was the Chief Commissioner of the Punjab at the time of the outbreak in India. By him and his noble brother that country had been converted from a conquered foe to a faithful ally; the bitterness of conquest had passed away, and the province was incorporated into the general system and government of this country. At the time of the outbreak Sir John Lawrence hastened to send to the army before Delhi all the aid he could contribute—troops both European and native—and not only did he send those troops, but he at once set about raising new levies and organizing fresh forces. Indeed, I may almost say without offence to those who gallantly conducted the siege of Delhi that to the able and constant exertions of Sir John Lawrence the great success of that undertaking was mainly due.

There remains one other individual connected with the civil Government of India to whom I must invite your Lordships to tender your thanks—Mr. Frere, the Commissioner of Scinde. That gentleman's name, probably, is not so familiar to the public as those others whom I have mentioned, but it is certain there is no man to whom India owes a deeper debt of gratitude. As Commissioner of Scinde he has reconciled the people of that province to British rule, and by his prudence and wisdom confirmed the conquest which had been achieved by the gallant Napier. He was thereby enabled to furnish aid to the centre of revolt, or wherever it was needed; while by his prudent management he maintained, during the whole of this period, order and peace throughout the province with which he was charged. To these Gentlemen I will, in the first place, ask your Lordships to accord your cordial thanks.

My Lords, I now come to the second class of persons whom I mentioned—those gallant officers who have distinguished themselves in arms during the recent occurrences in India. I am aware that in moving a Vote of Thanks to the army it is often invidious and always a very difficult task to select from so large a number of deserving officers the particular names of those whom it is intended especially to honour. Upon this occasion I have selected the four gallant Generals who have held chief commands at different points, and the mere mention of their names will, I am sure, satisfy your Lordships of their just claims to pre-eminence. The first is the Commander in Chief of the army in India, a gallant officer who has on other occasions earned and received the Thanks of this House. The name of Sir Colin Campbell will, I am sure, be received with honour by your Lordships. It would be superfluous to refer to his former military career—it is within the knowledge of every man. Upon the present occasion Sir Colin Campbell within two days after the offer was made to him, accepted the chief command in India; within a day after that acceptance he was *en route* for his post, and he reached Calcutta in a space of time unprecedentedly short. Upon arriving at Calcutta, although he found fields of action inviting him in every direction, Sir Colin Campbell did not at once proceed to take command of the army in any place. He knew that considerable reinforcements were expected from England; he found that these reinforcements were to be moved considerable distances; and he, therefore, prudently remained at Calcutta for a time in communication—and I may add in harmonious communication—with the Governor General, settling the means by which the reinforcements could be forwarded, and organizing the system which has enabled him to receive such rapid accessions to his forces in the field. But the news of the straits of the garrison of Lucknow reached his ears, and as soon as he could collect an efficient force Sir Colin Campbell marched to the relief of our beleagured countrymen and women. His first great action was the relief of Lucknow, the garrison of which consisted of the troops which had been led there by Outram and the gallant Havelock, in addition to those under Inglis, the remains of the original defenders of the Residency. The manner in which Sir Colin Campbell performed that service, and the skilful military strategy that he displayed were scarcely more than his high character as a soldier justified us in expecting; but still it was executed with a degree of courage, ability, and success, which commands the admiration and gratitude of all. Sir Colin Campbell, once in possession of the Residency of Lucknow, did not think it prudent to remain there, or to make it the base of his operations. He determined to withdraw from the position, and in that withdrawal he displayed the finest military tactics perhaps which have been exhibited in recent times. In the face of an overwhelming hostile force, encumbered with numerous sick and wounded, and a large body of women and children, with all his stores, all his baggage, and all the treasure, he accomplished his retirement — I will not call it a retreat — without the loss of a single man, and by such well-devised arrangements that for twenty-four hours the enemy was unaware of his departure. He conveyed his force to Cawnpore; but before reaching that place the distant booming of cannon warned him that his presence was needed. He pushed on with his small army, covering, at the same time, all those whom it was his duty to protect, and then took up a position which enabled him in the course of a few days to defeat and disperse the Gwalior Contingent, and to capture the greater portion of its artillery. That Contingent, it must be remembered, was the most formidable force that the British troops would have to encounter in India, as it was the highest disciplined, the best organized, and the most completely equipped Native force in the country. Those, my Lords, are the actions which I submit fully entitle Sir Colin Campbell to your thanks and to the thanks of the country upon this occasion.

The next Commander I have to mention is Major General Sir James Outram. That gallant officer had just returned from the command of the successful expedition in Persia when he was called upon to render his services to his country in the suppression of the mutiny in India. In Persia he had achieved all that he was called upon to accomplish. Thence he came back with victory upon his crest, and was appointed to the civil and military command in Oude. Then it was that he found the gallant Havelock devising his plan for the first relief of Lucknow. With a chivalry which could be equalled only by his gallantry, Sir James Outram forbore to take out of the hands of his brother officer the command of those operations in which much had

already been done by him towards the attainment of success. When, however, my Lords, the first relief of Lucknow was accomplished, General Outram assumed the direction of operations, and distinguished himself by the continuance of that defence which Inglis had so gallantly carried on. After the evacuation of Lucknow he was left to maintain his position against a vastly superior force at the Alumbagh, and he has since greatly distinguished himself by the resistance which he has offered to the attacks which were made upon his position—attacks which he repulsed with a vigour which inflicted an immense loss upon the enemy, while that which was sustained by his own forces was comparatively trifling. For achievements such as these, it is, my Lords, that I propose that the Thanks of this House be given to Major General Sir James Outram.

I now come to another name which I am sure your Lordships will be disposed to regard as one which ought to occupy a prominent place upon this occasion. It is that of Major General Sir Archdale Wilson, the conqueror of Delhi. In adverting to that gallant General I may be permitted to remark that the honours of the struggle in which we have been engaged in India do not altogether belong to the officers in Her Majesty's service, but are shared by those who are employed in the service of the Company. Sir Archdale Wilson commenced his career some years ago in that service, and was in command, at the time of the outbreak of the mutiny, in the district of the Punjab. The division of which he was at the head was destined to join the army which was ordered to advance to the siege of Delhi. When he arrived in the vicinity of that city he found himself second in command to Sir Henry Barnard, and his first operations against the fortress consisted of a combined movement with that gallant General, which combined movement he executed with a skill that gave the strongest evidence of his capacity, and clearly presaged the glory which crowned his subsequent career. The movement to which I refer enabled Sir Henry Barnard to conquer and to occupy in one day that most important position which was subsequently held by our army before Delhi, and from which operations were conducted with an advantage to which it is to be attributed that the siege of that city was not still further prolonged. After the death of the gallant and lamented Sir Henry Barnard the chief command fell to the lot of Major General Wilson. He then, with a coolness, deliberation, and judgment which merit our praise, deferred making an assault upon the fortress until he should find himself sufficiently reinforced to be able to do so with a probability of success. He knew perfectly well the effect which failure in the attempt to take Delhi would produce among the Native population of India. He paused, therefore, until he could operate with advantage, and when he found himself in a position which rendered success feasible, he achieved the great object which he had in view, and achieved it in a manner which clearly proved that he is eminently well qualified to discharge the arduous duties which attach to an officer in high command. But, my Lords, while General Wilson was waiting for reinforcements before Delhi, the army under him was by no means idle. He covered their position with great skill and attended to the comfort of his troops in a way which was well repaid by their devotion, as was testified by the success with which they assaulted the enemy and repelled the attacks made upon them upon no less than twenty-six or twenty-seven different occasions. Then came the final triumph. Delhi was captured, and I am sure your Lordships will deeply sympathize with its conqueror, who immediately after this great success had been achieved was obliged, owing to the state of his health, to retire for a season from active military command. Let us hope, my Lords, that it is only for a season, and that he will soon be able to return with increased vigour to the service of his country. In the meantime no better panacea can, I am sure, be administered for the restoration of his infirm and broken constitution than those thanks which I feel confident your Lordships will cordially and unanimously accord him.

There is another general officer whom I have now to mention to you, and whose name need only be mentioned in order to be met by the expression of your warmest approbation—I allude to the name of Major General Inglis. There is, I apprehend, in the history of the defence of fortified places, scarcely a single instance which can exhibit such persevering bravery, a list of privations so great, endured for so long a period, or with a front so dauntless, and ending in a success so complete as the defence of Lucknow. For eighty-seven days, before relief reached it, partly under the direction of the gallant and lamented Sir Henry Lawrence,

and partly under the command of Colonel Inglis, upon whom the mantle of Lawrence had worthily fallen, did Lucknow hold out against its besiegers. Supplies were during that period from time to time received by the garrison, but, I may add, that upon all hands, from the highest officer down to the humblest individual in the fortress, those eighty-seven days formed but one series of continuous fighting. Although the name of Inglis has been selected for especial mention, in connection with that immortal defence, in asking a Vote of Thanks at your Lordships' hands, yet I must say that while all, from the highest officer to the lowest private, faithfully, nobly, and courageously fulfilled their duty, though I cannot mention all their names, yet I may say that gratitude is especially due to his true-hearted 32nd regiment, who so gloriously aided him in the trying position in which he was placed. Our gratitude is also due, my Lords, to those men of the Native Bengal Infantry who, notwithstanding the inducements held out to them, remained nevertheless faithful to their standards and to their Queen. These faithful men were not to be led astray by the persuasion of their faithless fellow countrymen, they would not give up their foreign allegiance, as it was termed, and to the last they obeyed with brave fidelity the officers under whose command they were placed. We cannot too much admire troops who under such circumstances acted as they have done. In the case of the men who have so gallantly signalized themselves in the defence of Lucknow, his Royal Highness the Commander in Chief has recommended—and the Government have cheerfully consented to act upon the recommendation—that they should be allowed to count one year's service towards their retirement and pension as a distinguishing mark of the bravery which they have displayed. It remains for me, my Lords, only to propose as one of their number Major General Inglis as entitled to a special Vote of Thanks at your hands.

I come now, my Lords, to another part of the subject, but certainly not the least in importance. I mean that brave body of officers in Her Majesty's and in the East India Company's service, European and Native, who have taken a prominent part in the victories which have been achieved. I hold in my hand a list containing the names of several officers both in Her Majesty's service and in that of the East India Company, who have distinguished themselves in India. That list, however, embraces too many names to be mentioned on this occasion; but there are some which I think it is but fair I should bring under your Lordships' notice although they may not form the subjects of a special Vote of Thanks at your hands. We cannot altogether pass over such names as those of Chamberlayne, of Greathed, and of Colonel Baird Smith, who was the engineer under whose directions Delhi was taken. Such a man as Tombs who commanded the artillery in the various movements which took place before the capture of that city, is also entitled to our notice? nor must I omit the name of Colonel Vincent Eyre, who in another part of India furnished to the world so brilliant an example of all that is admirable in a soldier. But, my Lords, I must pause. The list of those officers who have won for themselves distinction during the recent struggle in India is far too long for recital. All I can say is, that taken in conjunction they form a band of which England may well feel proud, and from which great achievements may be fairly anticipated in any future emergency.

With the officers of the Army I wish also to couple those of the Navy now in India, to whom our thanks are eminently due. Connected with that service there is a name already widely known and widely reverenced by all in this country—I mean the name of Peel. Captain Peel, as your Lordships may remember, held a command in the naval brigade which assisted so effectively in the siege of Sebastopol and the operations in the Crimea; and he brought the experience which he had gathered there to the aid of Viscount Canning in India; for no sooner had the *Shannon* cast anchor in the waters of the Ganges than he organized and placed at the disposal of the Governor General a Naval Brigade, distinguished, as Naval Brigades ever are, for courage, for readiness to undertake any enterprise, and for the hardihood which especially belongs to our sailors. His services were accepted, and he was first of all sent up to Allahabad, of which place he was made commandant. But the tedium of a garrison life was hardly suited to the tastes of Captain Peel. He sought for more active employment, and in an engagement which took place with part of the Dinapore mutineers he distinguished himself conspicuously at the head of his Brigade. In the final relief of Lucknow none showed greater valour, none gave

greater assistance to the Commander in Chief than did Captain Peel and his gallant blue jackets, aided as they were by a party of Marines. In the same category with the Officers of the Army, therefore, I ask your Lordships to include Captain Peel and the officers of the Naval Brigade.

It now remains for me to address myself to the last, though by no means the least, important resolution on the paper—I mean that which is to convey your Lordships' thanks to the Non-Commissioned Officers and Men of Her Majesty' Service who have fought the battles of their country with no less devotion and gallantry than those of higher rank, to whom I have already proposed you should do honour. In no quarter of India where this mutiny has called the Queen's troops into the field has there been anything like failure, or anything like a want of entire success. I am proud to say that the honour conferred on their country in other fields by the armies of England has been fully upheld by them upon the shores of India, and that we may look with confidence to our troops there to maintain that honour for the future. The men belonging to the Navy and Marines have done their duty in the same faithful and gallant manner. The European troops in the East India Company's Service have performed good service wherever they have been called upon. The Native troops of Madras have all proved faithful; so likewise has the greater part of the Bombay army; and the few Native soldiers of Bengal who remained true to their standards—an honourable remnant—have discharged their duty with an energy and a courage which demand the recognition of the country and of Parliament. In thus calling upon your Lordships to do honour to the troops upon this occasion I believe I may assure you that, equally as in the case of persons holding high positions and administering responsible offices under the Crown, the praise of Parliament is looked upon as the highest honour they can obtain, and there is nothing which so much gratifies a regiment as to hear, upon parade, that their countrymen have awarded to them for their deeds of valour the thanks they have deserved by their great and chivalrous acts.

I have now, my Lords, discharged the duties which devolved upon me with reference to those who have been spared in this mutiny to receive honour for their services from your Lordships' House. But I think I should ill perform my task were I not to refer to those who have in this war (as I may call it) been gathered to their rest, whose ears are now deaf to praise, and to whom your thanks cannot, alas! be conveyed. There is a long list of officers, I grieve to say, in that category. Some of these there are who have fought our battles in the most distinguished manner, who have gained for themselves imperishable renown, who have left behind them brilliant examples to the world of what a British officer should be—how bravely he can fight his country's battles, and how nobly he can die as a Christian soldier. Foremost among those to whom I shall refer is one who, though perhaps not the first in rank, is undoubtedly the first in fame, Sir Henry Havelock. It would be impossible to refer to one who had seen more service, and who had discharged more perfectly the duties of his station. A soldier almost from his cradle, at least from the moment when he left school, where he and I passed many hours together, he has served uninterruptedly to the day of his death as a soldier in the field. I will pass over his early training, and will merely allude to the fact that after having risen to a rank which entitled him to serve as Adjutant General of Her Majesty's Forces he was selected to command a brigade in the force under Sir James Outram in Persia. I have heard that that appointment was at the time very much commented upon as an act of feebleness on the part of the Government, which was described as having appointed a man utterly worn out, whose energies were gone, and who was fit to do nothing but to look into the plate before him. In this instance we see a specimen of how the public will sometimes undertake to prejudge a man, and how their prophecies may be found to be utterly groundless? Sir Henry Havelock discharged his duties in Persia with eminent skill and bravery, as, indeed, he did upon all occasions; for I think it was said of him by General Nott, that Havelock never blundered and his men never misbehaved. When the Persian war was over he returned to India, and resumed his duties as Adjutant General of the army; soon after which, his services being required in another place, he accepted the command of a brigade. Appointed to his brigade, which consisted of two weak English regiments, one Native regiment, and one European regiment in the Company's service, he fought those nine actions

which have signalised his name and established his character as a general and a soldier. Finally, by the generosity of Sir James Outram, he achieved the relief of his friends, who were beleaguered in Lucknow, and scarcely had reached the pinnacle of honour, not indeed surviving to hear of the rewards conferred upon him by his Queen and country, ere he sank under the disease which was incident to his exertions, and now lies buried upon the scene of his exploits. He lies buried by the side of one whose services in India and whose military fame are equally great, and who was his dearest friend, I mean the late Sir Henry Lawrence. Every one who knows the character of that distinguished man knows the loss which India has sustained in him. He was not only a great soldier, but a great statesman. Every Governor General of India who has witnessed his career admits this. Not only, too, was he a great statesman and a great soldier, but he was eminently a Christian ; and in all his acts he was gifted with so rare a kindness of demeanour that he never made a quarrel with anybody, never made any man his enemy, and in all that he did ever resorted to persuasion before he appealed to force. Yet he did not hesitate to appeal to force when necessary, and in doing so always displayed the greatest energy and promptitude, when convinced that no other course was open to him. I cannot pass over his career without alluding to the exertions of this great and good man in conferring benefit upon the British soldier in India, whether of the Queen's or the Company's service, which I had occasion to notice on Saturday, and which I mention again now. It was Sir Henry Lawrence's love of his profession, and his regard for those who served under his command, that led him to establish in India those institutions for the reception of the children of European non-commissioned officers and privates who may fall in India while discharging their duty to their country, which will descend to posterity as the legacy of his benevolence, and which will prove of the utmost advantage to the European soldier whose destinies lead him to service in India, by protecting his children from the contamination of the barrack-yard, and from those diseases which are so incident to soldiers' children in that country. I think, therefore, the name of Sir Henry Lawrence deserves the warmest sympathies of your Lordships. I may further mention the names of Neill, Wheeler, and Nicholson, and, descending to inferior ranks, those of Salkeld, Home, and Willoughby, Of General Neill I can state that he was as gallant and distinguished a soldier as I have ever known. I had the honour of his personal acquaintance, from the fact of his having volunteered, early in the Russian war, while at home on leave of absence, to join the Turkish Contingent during the war in the East. His services were accepted, and I am fully convinced that, had that branch of the army been called into active service, General Neill would have exhibited similar courage, perseverance, and activity to that which he displayed in India in conjunction with the gallant Havelock. Of General Wheeler I can only say, that he is reported to have been a soldier who greatly distinguished himself during a long career in India. He entered the military service in that country in 1803, and served with great distinction at the first siege of Delhi under General Lake. He also distinguished himself on various other occasions, and latterly under the command of the late Lord Hardinge, of my noble and gallant Friend opposite, Lord Gough, and of Sir Harry Smith. We must all regret the circumstances under which General Wheeler fell—cooped up within the walls of Cawnpore, and unable to demonstrate before the enemy those powers of military command which he undoubtedly possessed. With respect to General Nicholson, I may state that no one, during the recent operations in India, commanded more entirely the confidence and approbation of every one under whom he acted than that lamented officer. Indeed, in the conduct of all the operations against Delhi, no man distinguished himself more than General Nicholson; but it was his unhappy fate to be slain in the hour of victory, just when the town was captured, and it was our misfortune to lose the services of so good and so gallant a soldier at the very time, probably, when they were most needed to carry the conflict to a successful issue. These, my Lords, constitute the prominent losses which we have sustained during the recent mutiny in India; but there are others to whom I cannot abstain from paying a tribute of admiration and regret. I cannot forget that the first victim whose loss we had to deplore, at the commencement of the operations against Delhi, was the Commander in Chief of the army, General Anson. I think this is a fitting occasion for me to do justice to the

memory of my hon. and gallant Friend. I am quite certain that, had Providence been pleased to spare him, he would have proved himself equal to the emergency with which he had to deal; and it is some small satisfaction to his friends to know that the course of military operations upon which he had determined—namely, to wait for a siege train before making an assault upon Delhi, and to gather round him an efficient force before attempting such assault—was afterwards carried out by the other officers in command. It seems, indeed, as if General Anson had anticipated the very operations which were subsequently so successfully adopted by General Wilson. I am quite convinced, my Lords, that my friend General Anson possessed all the requisites which constitute a good soldier; I believe that he possessed great talents for organization and system, and certainly he had the talent of conciliating the respect and esteem of those who were associated with him in command. I deeply grieve that he was not spared to attain that high reputation which, had he lived, I feel assured he would have established. The next victim after General Anson was his successor in command. After an early and most important victory before Delhi, General Barnard succumbed to disease, and followed his predecessor in the command to the tomb. He was a gallant soldier of the Crimea; he was descended from a race of soldiers; throughout his career he displayed, whenever the opportunity was afforded him, high professional acquirements; and he died in the hour of victory, regretted and lamented by all to whom he was known—more lamented, perhaps, by those with whom he was associated in command than even the gallant Sir Henry Havelock. I might allude to the names of Colonel Finnis and of other officers whom we lost during the mutiny; but I will only refer to those gallant and illustrious men—Home, Salkeld, and Willoughby—who rendered the most important services. Lieutenant Willoughby by destroying, at his own peril, the resources of the enemy and endeavouring to prevent large stores of ammunition from falling into his hands, and Lieutenants Salkeld and Home by undertaking to blow open the gates of Delhi. I will not do more than mention their names, but it is impossible to pass by this last exploit without singling out and mentioning, in conjunction with Home and Salkeld, Sergeants Carmichael and Smith, and the bugler who engaged with them in the bold attempt which cost those gallant men their lives.

There are many others who have sacrificed their lives in putting down the Indian mutiny, but I will not detain your Lordships by entering further into the subject. I will simply conclude the observations I have thought it necessary to address to you by submitting to your Lordships an additional Resolution which is not included among those of which I have given notice. I trust that, in undertaking to bring before you this very wide, and in some respects very difficult subject, I shall not, by any omission I have made, occasion pain, which assuredly I am most anxious to avoid giving, to the mind of any gallant soldier. Your Lordships will, I hope, understand, that in submitting these Resolutions I propose to thank the whole Army which has been concerned in the suppression of the mutinies in India. I propose to thank every Private and every Non-commissioned Officer, as well as every Officer in the service. I have named the Generals as supreme in command; I have mentioned others who are well known, and whose deeds are familiar to the public; but I entreat your Lordships to give to all the meed of your thanks, and to adopt the Resolutions which I shall have the honour of placing in the hands of the Lord Chancellor.

Moved—

"1. That the Thanks of this House be given to the Right Honourable Viscount Canning, Governor General of the British Possessions in the East Indies; the Right Honourable Lord Harris, Governor of the Presidency of Madras; the Right Honourable Lord Elphinstone, Governor of the Presidency of Bombay; Sir John Laird Mair Lawrence, G.C.B., Chief Commissioner of the Punjaub; and Henry Bartle Frere, Esquire, Commissioner of Scinde; for the energy and ability with which they have employed the resources at their command to suppress the widely-spread Mutiny in Her Majesty's Indian Dominions.

"2. That the Thanks of this House be given to His Excellency General Sir Colin Campbell, G.C.B., Commander in Chief in India; Major General Sir James Outram, G.C.B.; Major General Sir Archdale Wilson, Baronet, K.C.B.; and Major General John Eardley Wilmot Inglis, K.C.B.; for the eminent skill, courage, and perseverance displayed by them in the achievement of so many and such important triumphs over numerous bodies of the Mutineers.

"3. That the Thanks of this House be given to the other gallant Officers of Her Majesty's Army, Navy, and Marines, and also of the Honourable East India Company's Service, for the intrepidity, the patient endurance, and other high military qualities which have marked their discharge of those arduous duties which they have so successfully performed.

"4. That this House doth highly approve and acknowledge the high courage, the devoted loyalty, and the brilliant services of the Non-commissioned Officers and Men of Her Majesty's Military and Naval Forces, of the European Troops in the Service of the Honourable East India Company, and of the great body of those Native Corps throughout India who have remained faithful to their Standards; and that the same be signified to them by the Commanders of the several Corps, who are desired to thank them for their gallant behaviour."

The other Resolution which I shall move is as follows:—

"That this House doth highly appreciate and cordially approve of the courage, self-devotion, and exemplary conduct of those Persons who, though not holding military rank, have nevertheless performed valuable military Service in the Field, or in defence of various Posts throughout the disturbed Districts in India at which they were resident; and that the Governor General be requested to thank these Persons for their spirited and patriotic exertions."

I thank your Lordships for the attention with which you have listened to me, and I now beg to move the Resolutions.

THE EARL OF DERBY: My Lords, it has been my lot, on more than one occasion, standing where I now stand, to support propositions similar to that which has just been submitted to the House, and the purpose of which is to convey the Thanks of the House to those to whose activity, energy, bravery, and public spirit, the country is indebted; and I may say that I have on all those occasions addressed myself to the task with unmingled satisfaction, except so far that I might fear I should fall short in discharge of the duty I had undertaken. I think, my Lords, that on occasions of this kind it is of the greatest importance that there should be not only unanimity in the vote, but unanimity also in opinion among the Members of this and of the other House of Parliament; and I never approached any subject with greater regret than when I feel myself compelled to say that, though I do not mean to offer any opposition to the whole of the Resolutions laid on the table, I cannot regard the proposition brought forward by the Government on the present occasion with the same unmixed satisfaction as similar propositions on former occasions; and I think the form in which the present proposition is submitted is one well calculated to interfere with that unanimity of opinion and feeling which it is so desirable should prevail on such an occasion. The noble Baron, in his opening observation, made a statement, and repeated it in the latter part of his speech, to the effect that the Thanks of Parliament constituted the very highest honour which could be bestowed on any individual, an honour most highly appreciated by those in the public service, and which is granted only on rare occasions, when the expression of the views of Parliament embodies the concentrated opinions of the public at large. Concurring in those views, I regret that this Motion is not more restricted: for if there be any value in these Parliamentary Votes of Thanks—and I do not question that there has hitherto been the highest—that value must depend on their being conveyed not only rarely, and on great and signal occasions, but with discrimination with respect to the individuals on whom the thanks are bestowed. They must not be bestowed on individuals merely because they filled high situations at the time of great events, but should be granted only to those persons who, according to the unanimous opinion of the country, have fully and entirely vindicated their claim to so high a honour. Now, my Lords, I believe it to be an unusual course of proceeding to grant the Thanks of Parliament to a person filling the high situation of Governor General of India until the whole series of events for which thanks are given have been brought to a close. Now, I wish I could express my opinion that this Indian revolt is at present put down thoroughly and utterly. I wish I could say that there would not still be much more labour, anxiety, and toil, and sickness, but that we might now address ourselves, in the conviction that the evil has passed by, deliberately to the contemplation of the principles on which India should be hereafter governed. If this war had been brought to a successful issue—if it were made clear to the country that those who directed the civil affairs of India were entitled, from the commencement to the close of the transaction, to the honour now proposed to be paid to them, nothing would be more gratifying, not only to my public, but to my personal feelings, than to join in a vote of cordial approbation and thanks to the noble Lord now at the head of affairs in India. But I must express my opinion that, in the bringing forward of this Vote of Thanks, particularly at the present time, and in this manner, the Government have not only placed that noble Lord in an invidious and painful position, but have placed in a position of the greatest difficulty those who, anxious to avoid passing anything like the shadow of a censure on him, yet cannot concur in a

Vote of Thanks signifying an entire approval of his conduct, taking into consideration the period at which it is submitted and the limited information before us. It is not, then, my fault, but the fault of the noble Baron opposite, who has demanded in such emphatic terms approval of the conduct of the Governor General of India, if I feel myself compelled to discharge a most painful and invidious task, and to submit to your Lordships, not a condemnation of that conduct, but at all events considerations which make it questionable whether yet the time is ripe for conferring such honour as is now asked. I have already said that I think it would be more consonant with usage not to thank the Governor General until the close of those great operations which attach to his high office, and I certainly think it would have been expedient not to do so until we had further information as to what has been actually done, by whom and how it has been done, and until an opportunity had been given to the noble Lord, the Governor General, to refute the charges not sparingly brought against his administration in India. My Lords, I am far from wishing to cast any blame; but when I am desired in this Resolution to return the thanks of Parliament for the energy and ability with which Lord Canning applied the resources at his disposal for the suppression of the mutiny, I cannot but inquire how the language of the noble Baron opposite is justified by the facts within our knowledge. I at once and frankly give to Lord Canning the highest credit on account of the moral and personal courage, the firmness, calmness, and temper which he has exhibited on all occasions. I think, my Lords, his conduct so far has been distinguished in these respects, and deserving every praise. I think, moreover, that in a paper not laid on the table of the House, but which has appeared in the public newspapers, the noble Viscount has succeeded to a great extent in vindicating the course he pursued in reference to the charges of undue leniency and an improper interference with the military authorities. I think he has satisfactorily shown that those orders to which reference was made were not of the supposed lenient character, and that they well vindicated the authority of the law, and the enforcement of justice. But when the noble Baron opposite proceeded to say that if it had been Clive, or any of Lord Canning's most distinguished predecessors in the Governor Generalship, no one of them could have foreseen the storm which recently burst upon India, I must differ from him. The noble Baron said it was an avalanche which overwhelmed the country without a moment's warning. Now, so far from that being the case—although there may have been few who appreciated the magnitude of the peril — unless State papers, instead of being authentic documents, are tales and romances, there is no question that the Government had warnings, and continually disregarded them, from quarter after quarter, of the danger that was imminent. The noble Baron opposite calls on me to bear testimony to the Governor-General's energy and ability; I must say that after the events broke out—I am really compelled to refer to these matters—energy was not displayed so early, so rapidly, or so effectually, as they might have been and ought to have been. I think the warnings were disregarded. I think that the Governor General blindly and wilfully shut his eyes to what others clearly saw; and that he perceived too late the peril, deeming and describing it previously as not serious. But, I admit, that when his eyes were opened, and when he was awakened to the magnitude of the danger, that then he did the best to meet the danger, and applied himself with ability and energy to encounter it. In the first instance, however, he rather underrated the nature of the revolt, and then I think the conduct of the Indian Government was characterised not by energy and resolution, but by vacillation. I am far from endorsing or affirming all the allegations of the Calcutta petition; but recollect that at this very moment, when it is proposed to vote thanks to the Governor General of India for his energy and ability, a very large proportion of the inhabitants of Calcutta have sent to this country a petition praying for his recall, founding that prayer on what they state to be his weak management of public affairs, and attributing to him qualities the very opposite of ability and energy—namely, vacillation and irresolution. Lord Canning's answer to that petition is not before the public; but I must say, that to pass a vote of thanks to Lord Canning with that petition unanswered, and before there has been any opportunity of discussing its allegations, appears like screening Lord Canning from the effects of future charges, and prejudging a case which deserves the fullest inquiry. If I

were to refer to one or two cases exemplifying the culpable vacillation of Lord Canning's Government in the early period of the mutiny, I would refer in the first place, to the way in which Jung Bahadoor's troops were treated. It was found necessary to ask for the assistance of these troops. They were first asked for, their assistance was next repudiated, and then finally it was accepted. Now, that was not a proof of great energy and foresight on the part of Lord Canning, but of uncertainty and vacillation of purpose. Again, look at Lord Canning's conduct in regard to the 84th regiment. They were summoned up hastily from Rangoon; they were then in a short time ordered back to Rangoon, in the belief that their assistance would not be required; the order that they should be sent back being again countermanded. I will take another instance in the course of proceeding adopted by Lord Canning when the inhabitants of Calcutta volunteered to arm themselves, and to take upon themselves a large portion of the military service, and thereby to set at liberty a large body of Her Majesty's troops. This offer was at first rejected—I will not say scornfully, but rejected with an expression of opinion that it proceeded under the influence of a groundless panic; that the revolt was nothing in the world, and that their services would not be required. In a very short time it appeared that this opinion was erroneous, that the panic was not so groundless, and that the Government were glad to avail themselves of the assistance they had refused. My Lords, I am exceedingly loth to have the appearance of being the accuser of Lord Canning, but what I wish to impress upon your Lordships is this, that while circumstances remain thus, with the imperfect information we have, and with the present feeling of the country in regard to Lord Canning, this vote will not and cannot carry with it, so far as relates to the officials at the head of the civil departments, that weight which it is desirable the unanimity of the House should give to its vote on all occasions. I will not say a word against Lord Harris, whose claims were not put very highly by the noble Baron (Lord Panmure). Those claims seemed to be that having his province of Madras in a state of tranquillity he was able to despatch certain troops to the assistance of the Governor General. That may be creditable to Lord Harris, but it is notorious that there never has been of late years any disaffection in the Madras army, and that circumstances were totally different in that province from those of Bengal. It may be very creditable to him to have had his province tranquil and to be able to despatch troops, but that does not entitle him to receive the thanks of this House, and to appear in company with such names as those to which I shall shortly refer. I hope my noble Friend will set me right if I am wrong, but I am not sure that he did not claim for Lord Canning praise which I believed up to this moment belonged to another noble Lord—that of having despatched from Ceylon the regiments which had been intended for service in China. I always thought that the diversion of those troops was the spontaneous act of Lord Elgin, and I have always given him, and always shall give him, the greatest credit for having manifested so complete an abnegation of personal interest, and for taking upon himself, when the safety of India was at stake, the diversion of the troops intended for China. I have not one word to say whether it was necessary or proper in these cases to draw a distinction between the different officers. I have not a word to say against your being called upon to pass a Vote of Thanks to Lord Elphinstone. For from first to last he has appeared to have been fully aware of the magnitude and importance of the crisis. He has been found acting energetically and most ably on every occasion, and I believe that a great portion of the success which has attended our arms in India has been owing to the wise foresight and activity displayed by Lord Elphinstone in forwarding supplies to the Indian army. Nor will any humane being object to the name of Sir John Lawrence in these votes. The name of Lawrence and the services of both brothers must be held in the highest esteem. Their services to India cannot, indeed, be too highly estimated, and I believe that it is to their activity, energy, prudence, and wise and conciliatory management, we owe, in a great measure, the safety and freedom from disturbance of the newly-conquered countries committed to their care. I take it for granted that a similar debt of gratitude is due to Mr. Frere, although I confess his name is not so familar to me as that of Lawrence. What I regret in this vote is that in the first paragraph there should have been the introduction of any names with regard to whom there might be a shadow of doubt whether, in the mind of any reasonable

man, they had fully substantiated their claim to what the noble Baron justly states is the highest honour Parliament can bestow. That Lord Canning does not stand in that position I am bound to express my opinion. Further than that I will not go; and I trust that Lord Canning himself, and his friends—and he has and deserves to have many friends—will not believe that I am endeavouring to insinuate censure or pass a slur upon him because, in the present state of affairs, I doubt the prudence and expediency of introducing his name and the Governors under him in a Vote of Thanks which is especially due to the military and naval services of the country.

I have now a much more agreeable task in expressing my entire and hearty concurrence in the following votes, in which Her Majesty's Government do justice, and do but mere justice, to the inestimable merits of the military and naval services. Nor do I think that any one can justly complain if from the list of names of those who are left alive the Government should have made the selection of those four names specially submitted for the Thanks of Parliament. The noble Baron, very properly, considering his official capacity, went at length into the individual services of these and other gallant officers. I do not feel myself entitled or called upon to follow the noble Lord through that enumeration. I believe, too, that there was hardly one of the survivors enumerated by the noble Lord to whom I have not endeavoured on a former occasion to give my meed of praise for their services. I may be permitted, without in the slightest degree disparaging the services of any of the other officers, to express my opinion, as I did before, that of all the events of this war, even the successful siege of Delhi and the successful relief of Lucknow are not exceeded in interest and importance by the gallant and unparalleled defence of that small garrison of Lucknow. I believe that, without disparaging those other events, the existence of that garrison with their feeble means, against overwhelming odds, and under circumstances which might well have led them to despair, will stand almost unparalleled in history. I believe that from the general who held that important command down to the humblest soldier who shared in that unparalleled defence, and especially including those Native troops to whom the noble Baron has properly referred—I am firm in my conviction that there is not one of that gallant and heroic garrison who does not deserve, and who will not, I hope, receive, some signal individual mark of Her Majesty's favour. If the Victoria cross can ever be well bestowed *en masse*, it would not be thrown away on men who could so endure, who had so dared, and had so nobly sustained. It is contrary to my wish and principles that either in this or the other House of Parliament there should ever be any discussion upon the character or nature of the rewards bestowed by the Crown or the persons who ought to receive them. But I cannot refrain from calling the attention of the noble Duke on the cross benches (the Duke of Cambridge) to a circumstance which was only made known to me this morning. It refers to the 32nd regiment, which suffered so severely and behaved so heroically at Lucknow. I understand that, although a certain portion of the officers have succeeded to their promotion by death vacancies, there remain six lieutenants who have derived no advantage or promotion, and who have, in point of fact, nothing to show for the siege except the labours they have undergone and the wounds they have sustained. Of that six, three have returned invalided to this country,—one with a broken leg, another with a ball in the back of his head, still unextracted, and the third in a state of paralysis, arising from fever and exposure. I do not ask whether these officers are about to receive any honours or rewards, but I trust the illustrious Duke will forgive me for having thus publicly stated what I hear to be the case in that distinguished regiment. But I pass on, before I sit down, to one point which I certainly rejoice has been introduced by my noble Friend on the part of the Government. I mean an expression of the gratitude of the House and the country to those civilians who have so nobly distinguished themselves in our emergency. I recollect that in the Speech from the Throne mention was made of "the many civilians who, placed in extreme difficulty and danger, have displayed the highest qualities, including, in some instances, those that would do honour to veteran soldiers." In commenting upon the Queen's Speech I inadvertently, in running over the topics which it contained, omitted to mention the services of the civil officers. That omission did not escape the watchful eye of my noble Friend the President of the Council, for he, in reply, spoke of the conduct of these gallant civilians, and observed that, unlike "the noble Earl opposite," he

would couple them with those of the military. But, my Lords, great was my surprise when, on reading the Vote of Thanks that was to be moved on the part of the Government, I found that, unlike my noble Friend the President of the Council, Her Majesty's Government had altogether forgotten to introduce any thanks whatever to those civilians. I hoped that I should have been enabled to supply on this occasion this deficiency, and I actually prepared a Resolution which I intended to propose, but in which I am happy to find I have been anticipated by my noble Friend opposite (Lord Panmure)—I intended, at the close of the third paragraph of the vote to propose that the Thanks of the House be granted, in the words of the Queen's Speech, "to the many civilians who, placed in circumstances of extreme difficulty and danger, have displayed the highest qualities, including such as would do honour to veteran soldiers." I suppose the noble Lord considered it injudicious to select any name from among the list of civilians who have distinguished themselves. He went over the military officers who have taken the principal part in the suppression of the mutiny, but the civilians, though he certainly acknowledged their services, he passed over, as I thought, rather abruptly. Now, there are among them names that deserve to be mentioned with the highest approbation in this House. I am sure none of your Lordships who have studied the papers laid before us can have forgotten Mr. Venables, the indigo planter, who, when the authorities deserted the station of Azimghur, defended it with his own ryots and maintained it against the enemy for a period of six weeks. Then there was Mr. Gubbins, a most distinguished man, who successfully, and by the influence of his own character, kept down and maintained in entire subordination the important district of Benares. Again, there was the civil engineer, Boyle, who, at the head of the garrison of Agra, successfully set an example for the future defensive operations of Lucknow, and held the position against odds with a heroism which almost entitle it to rank by the side of that noble defence. There was also Money, who, by a splendid act of insubordination, disobeyed the orders of his superiors to abandon his post, maintained, in spite of those orders, the station of Gya, and succeeded, in the face of a large body of insurgents, in carrying off a large amount of treasure. Then there is another gentleman whose conduct has not received the sanction of the Government. I mean Commissioner Taylor, of Arrah. His conduct has been disapproved by the Government; but the papers appear to me to show that he had a more enlarged view of the crisis, a keener sense of the danger, and a better idea of the remedy than the Government itself. I rejoice, my Lords, that the noble Lord has thought fit to introduce a Vote of Thanks to the civilians. With regard to the military officers and the soldiers, and with regard to all concerned in the military operations, there is no language that can be used too high, and no encomiums that can go beyond their merits, whether they have survived or whether they are now past the praise or censure of men. I wish I could give the same unhesitating approval to the first of these Resolutions. I will not take upon myself the responsibility either of dividing your Lordships against the Resolution, or of suggesting that it should not be passed; but I cannot permit it to be passed without entering to a certain extent my protest, and observing that the merits of these parties have not been made sufficiently manifest and sufficiently indisputable to the public to entitle them thus prematurely to receive the highest honours of Parliament. Depend upon it, the great merit of these distinctions is the universal acceptance given to them by the country. I should be sorry to see either the House of Commons or the House of Lords pass these Votes of Thanks in a merely formal manner, in consequence of the positions occupied by the parties; for I think they should be restricted—I had almost said severely—to those whose services have been such that the country would not only regret that the honour was not conferred, but consider it an injustice if it was not done promptly.

THE DUKE OF ARGYLL: My Lords, I am sure every Member of this House will share in the regret expressed by the noble Earl opposite, that any matter of difference should have been introduced into this discussion. But I cannot admit that the responsibility of raising any such question rests with the Government. It would clearly have been impossible to thank any of those eminent civilians who by the exercise of administrative powers have contributed so powerfully to our triumph in India, and who by unanimous assent must be included in this Vote, and at the same time to omit the governors of the Minor Presidencies, or above all the Governor General, without virtually passing upon

them a vote of censure. It is not, however, for this reason alone, nor on grounds of so negative a character, still less, as the noble Earl opposite suggested, because merely of their occupying a high position, that we call upon Parliament to give a Vote of Thanks to those distinguished men. In objecting to that Vote as regards the Governor General, the noble Earl has expressed his dislike of the task; and it is but just to the noble Earl to admit that the sincerity of this feeling was apparent in his manner. I am sure there is no noble Lord in this House who would willingly look upon this question in any party spirit; and I can only account for the reluctance expressed by some noble Lords to concur in this Vote by supposing that their judgment of Lord Canning has been warped by the credit they have given to the many false representations of his conduct which have undoubtedly obtained a wide circulation in this country. Now, my Lords, I have taken some pains to examine almost all the charges brought against Lord Canning, whether in Parliament or in the press, and I venture to affirm that there is not one of those charges of the least importance, which cannot be clearly refuted from papers which are already in possession of the House. Every one of them has emanated from the Calcutta press, whose enmity has been incurred by Lord Canning, in consequence of those restrictive measures which at an early period of the mutiny he considered it his duty to adopt. The noble Earl has alluded to a petition from Calcutta to which no reply has as yet been made. Now, without admitting for a moment that the fact of such a petition having been drawn up in Calcutta affords any reason whatever for delay in voting our thanks to Lord Canning, I am happy to say that a copy of that petition has been received with comments by Lord Canning on the allegations it contains. That petition has been moved for in another place, and will soon be in the possession of this House, when it will be seen that to almost every paragraph Lord Canning has been able to oppose a complete and conclusive contradiction. As, however, this document is not yet before us, I shall make little or no use of it to-night, and shall confine myself to those Parliamentary papers which are accessible to all.

Let me now recall to the recollection of the House some of the principal charges which have been brought against Lord Canning, and which from having been repeated in Parliament, or from the general credit they have received, have acquired some importance.

First, it was said that in the earlier stages of the mutiny, when the first symptoms of it appeared at Barrackpore and Berhampore, no steps were taken by Lord Canning to pacify the Sepoys, or to reassure them on the subject of the greased cartridges. No assertion could be farther from the truth. Lord Canning at once adopted the suggestion made by General Hearsey, that the Sepoys should be allowed to select for themselves the grease to be applied to the cartridges, so as to be assured as to its nature and composition. Careful orders were issued in accordance with this suggestion, and careful explanations given to the men. Again, it has been asserted with equal confidence that for a whole month no precautions on the same matter were taken at the more distant military stations. This, again, is grossly false. At the same moment that the step I have already mentioned was taken in Bengal, identical orders were telegraphed to Meerut, to Umballah, and to Sealkote. Another charge, much dwelt upon by the noble Earl opposite (the Earl of Derby) on a former occasion, was the alleged undue delay in punishing the mutineers of the 19th and 34th regiments, and the undue leniency of the punishment when at last administered. Now, I will not renew, on this occasion, the debate of December last, farther than to say that I appeal with confidence to those papers on the table for conclusive evidence, first, that there was no delay in dealing with the mutineers other than that which was absolutely necessary for the establishment of individual guilt; and, secondly, that the punishment ultimately inflicted on the guilty was the severest punishment short of death to which any military body can be subjected. Yet it is in reference to this transaction that Lord Canning had been accused of vacillation and of weakness, and his conduct has been contrasted with that of Sir H. Lawrence. It was asserted that the resolution to disband the 34th regiment was one to which he was incited by the example of Sir H. Lawrence, under similar circumstances, at Lucknow. Now, my Lords, what are the facts, which any one of your Lordships may verify by taking the trouble to refer to the Parliamentary paper? Why, that Lord Canning's order disbanding the 34th regiment was dated several days before he received from Sir H. Lawrence a recom-

mendation that the same course should be pursued with reference to another body at Lucknow.

And now, my Lords, let me call your attention to yet another accusation against the Governor General, which has been repeated with as much confidence as the rest, and which the noble Earl has this very night referred to, as requiring an answer before we can properly be called upon to vote our thanks. We are told that Lord Canning refused the offer of the Calcutta Europeans to form volunteer corps. My Lords, my answer to this assertion is, that it is absolutely false, and that no reply is needed from Lord Canning to prove it to be so. I hold in my hand the paper, which has been for months on the table of this House, and in which the whole transaction is authentically recorded. Lord Canning did not refuse, but accepted, the offer made by the Calcutta volunteers. That offer was first made on the 20th May, in the following terms :—

"At a special general meeting of the members of the Calcutta Trade Association . . . it was resolved that this body do send up to Government a statement that they are prepared to afford the Government every assistance in their power towards the preservation of order and the protection of the Christian community of Calcutta, either by serving as special constables or otherwise, as may appear most desirable to the Government."

And here, my Lords, I must observe, that in this offer the first symptom is apparent of that disposition, on the part of what is called the Calcutta public, which has all along been only too apparent, to establish an invidious and unjust distinction between the Christian and Native community, and thus to give the contest the aspect of a contest, not between the mutinous soldiery and the peace and good order of society, but between race and race, and between faith and faith. Now, what is the answer of Lord Canning? In the first place, he administers an indirect, but a most just and necessary rebuke to the disposition to which I have referred. He treats the offer in a larger and more liberal spirit than that in which it was made. He receives it as an offer for the protection of the whole "community of Calcutta," and in this sense he cordially accepts it. He says—

"In the event of a disturbance of order in Calcutta the mode in which the services of the members of the Association could be most easily and effectually rendered would undoubtedly be, as suggested by the Association, by acting as special constables, under the direction of the civil authority; and the Governor General in Council, therefore, proposes to the Association that those who are willing so to act should register their names and places of abode at the office of the Commissioner of Police, who has been authorised to enrol them."

My Lords, if an assertion so grossly false as that Lord Canning refused this offer has been repeated and believed by the noble Earl opposite, who has had full access to the papers from which it receives so direct a refutation—and I must say noble Lords opposite are bound to have read those papers more carefully than they appear to have done—can we be surprised that the public out of doors, whose access to authentic information is less direct, should have been misled by the innumerable assertions as injurious, and as absolutely false, propagated by the Calcutta press, and repeated here. There s another point connected with the same subject, to which continual reference has been made, as indicative of the ignorance of the supreme Government during the gathering of the storm. In an answer given by Lord Canning to an address from French residents in Calcutta, presented about the same time, he used some strong expressions deprecating on the part of the public a "groundless panic." But this does not indicate on the part of Lord Canning any ignorance of the dangers which were then undoubtedly existing. It was his policy, and a wise one, to allay the exaggerated fears which were then prevalent in Calcutta, and which were doing much to increase the danger in Bengal, where there was a large body of Native troops with but a very small proportion of Europeans, and who, if they had felt themselves exposed to the fear and hostility of the Government as they were to those feelings on the part of the Calcutta public, would in all probability have been precipitated into immediate revolt. But to judge of the energy and of the foresight of the Government I only ask your Lordships to look in the same Parliamentary papers to their action at the time. You will find that Lord Canning was at that very moment sending telegraphic messages to every part of India, directing and organizing the means of resistance, and showing a full appreciation of the danger where it really existed. The answer to the French residents was an answer simply intended to calm a violent and local panic, and to prevent it from communicating itself to the numerous Sepoy regiments in the neighbourhood of Calcutta, at a time when as yet they had shown no symptoms of disaffection.

I now come, my Lords, to a charge against Lord Canning which concerns a

transaction of much more real importance. It has been referred to by the noble Earl to-night, and like many others of the same kind has made considerable impression on the public mind. I refer to the alleged conduct of Lord Canning in regard to the offers of assistance made to them by the Sovereign of Nepaul. And here, my Lords, in passing, I must say that noble Lords opposite speak rather lightly of the considerations involved in accepting foreign aid, towards the suppression of domestic treason. Those considerations are of the gravest kind, and the policy of accepting such aid, doubtful as it must be in general, must depend entirely on the circumstances under which such an offer is made. The offer of Jung Bahadoor was made in the first place later than is generally supposed, and under circumstances which did not appear favourable to Lord Canning.

It was an offer to send a comparatively small body of troops in three separate divisions of 1,000 each, partly upon Oude, and partly upon our own older Provinces. It was the opinion of the Governor General that the direction proposed for these columns was not one in which they were likely to do good, or to have sufficient support. But at a subsequent period the aid of Jung Bahadoor was offered for the purpose of operating towards Lucknow, and was at once cordially accepted by Lord Canning. I cannot doubt, my Lords, that the despatch shown by the Nepaulese Sovereign to the British cause in India, throughout this crisis, and the bravery exhibited by his troops wherever they have met the enemy, will be remembered as it deserves to be, with gratitude by this country.

Another accusation against Lord Canning, which had, perhaps, a more plausible appearance than many others, was founded on his refusal to disarm the Native regiments at Dinapore, which did ultimately join the mutiny. Now, my Lords, the truth is, that at the moment when the deputation waited upon Lord Canning, asking him to disarm those regiments, General Havelock was making his first advance upon Lucknow, and the Governor General was straining every nerve to send up every European soldier at his disposal for the relief of that heroic garrison. It was then a matter of the last importance that not a moment's delay should take place in the forwarding of the few troops which the Government had to send; and it would have been in the last degree unwise to have sacrificed that first great object for another which at the time was of very doubtful policy. Lord Canning's answer accordingly was, that he could not then stop any of the troops advancing towards Lucknow, but he would empower the officer commanding at Dinapore to do so, should he see any signs of disaffection among his Native regiments, and should think it necessary to disarm them. The mutiny at Dinapore eventually arose out of that very attempt — unhappily not well managed — at disarmament, which it would have been perhaps better not to have made at all. At all events, Lord Canning had before him a choice of evils—and under the circumstances in which he was placed, I am sure the House will be of opinion that he exercised a wise discretion.

These, my Lords, are some of the leading charges which from time to time have been made against Lord Canning, and which, passing, as they have long done, without authentic contradiction, have in the aggregate left an unfavourable impression upon the public mind. I maintain with confidence that this impression, in which at least some noble Lords opposite appear to share, has no other foundation than these, or other allegations as utterly without foundation.

I am sorry to have detained the House so long on what may seem to be trivial details; but there is one broad general view of Lord Canning's policy and conduct which does not require any tedious investigation, yet which affords, I think, a more adequate ground of judgment than any other. The conduct of Lord Canning has been compared with that of Sir J. Lawrence in the Punjab — of Mr. Frere in Scinde, and of others in similar positions in India. I am willing, my Lords, to enter upon that comparison; and I especially desire to direct the attention of the House to one point in that comparison which is of cardinal importance—I mean the proportion which the Native bore to the European troops in the different Provinces of India. In the Lower Provinces, being those more immediately under the command of the Governor General, and under the influence of his personal conduct, there were at the time of the outbreak about 29,000 Native troops, against whom in case of disaffection, Lord Canning had to rely on only 2,362 European soldiers. Yet those are the provinces in which alone the mutiny never assumed those dangerous proportions to which it rapidly swelled in others. My Lords, it is not enough to say that in the then aspect of affairs, Lord Canning acted for the best. It is not less true to say that all our knowledge of subsequent events does but confirm the

wisdom and prudence of his moderate and forbearing policy. It was that forbearance and the confidence which by means of it, he inspired into the Native troops, that they would not be harshly dealt with, or prejudged to be traitors without sufficient cause,—it was this alone which prevented an early outbreak in Bengal, and saved those provinces from the fearful convulsion which took place elsewhere. The "energetic measures" which were not taken by Lord Canning, and which were so constantly urged on him by the Calcutta public, were unfortunately taken at Meerut by men of inferior judgment, and instantly the mutiny swelled to the magnitude of a rebellion. In the North Western Provinces the proportion between Native and European troops was equally unfavourable —about 45,000 to 3,537—and there assuredly equal caution and gentleness should have been used. But now let us look to another quarter—to the provinces ruled by Sir J. Lawrence. The mutiny there broke out through no act of his, but in consequence of the events at Meerut and the capture of Delhi. But when it did break out, or threatened to do so, Sir John was in a very different position from Lord Canning in respect to European supports. In the provinces of the Punjab and the Sutlej he had 12,424 European soldiers against only 42,000 native troops, showing an enormous difference from the proportion with which Lord Canning had to deal. Sir J. Lawrence had also a warlike and well-affected Native population, whom his own wise measures had rendered heartily loyal to our rule. I hope, my Lords, it will not be thought for a moment by any Member of this House that I am seeking to detract in the smallest degree from the eminent merits of Sir J. Lawrence. But since his conduct has been placed in invidious contrast with that of Lord Canning, I think it right to direct your Lordships' attention to the essential difference between the circumstances in which they were respectively placed.

The fact is, my Lords, that most of the accusations against the supreme Government of India have been founded on the notion that this great mutiny has been the result of a vast preconceived conspiracy, the existence of which ought to have been detected by that Government. But, surely, if such a conspiracy had been open to detection it ought to have been first discovered by the officers of the native army. I do not wish to anticipate the results of those inquiries which must be conducted in India; but I know it to be the clear opinion of many of the most distinguished men in that country, and of some of those to whom by universal consent we are to vote our thanks to-night, that no such conspiracy existed. And indeed, my Lords, why should we hunt for mysterious causes, of which there is no evidence whatever, when we have staring us in the face causes not mysterious, yet amply sufficient to account for the results? For many years the army of Bengal has been undergoing gradual changes in its system and organization to which I need not farther allude at present, and for a considerable time, from the progress and completeness of our dominion, it has been comparatively idle. Its discipline had become relaxed. And as military discipline, when it is good, is one of the noblest influences which can be brought to bear upon human character, so when it is bad, it is the very worst, giving men the habits of organization without the habits of obedience and the sense of power without the sentiment of duty or of honour. This, I believe, to have been the real secret of the mutiny, although, of course, there were other proximate causes of the outbreak; and among these, I am convinced, that a real panic upon the subject of religion or of caste had more to do with it than we have been willing to admit.

My Lords, I cannot omit this opportunity of expressing the deep regret which I am sure must be shared in by every Member of this House, on account of the absence—and above all, on account of the cause of the absence—of my noble Friend Lord Dalhousie, who must take the keenest and most painful interest in these events, and who would have been so able to assist and inform the House in the debates to which they are giving rise. It was inevitable, perhaps, that this great convulsion, occurring so soon after the close of his administration, should subject him to many accusations from those who judge more from impressions than from reasoning, or from careful investigation of facts. But I feel assured, that when the smoke of this contest shall have been cleared away, the great reputation of Lord Dalhousie, will reappear in the eyes of his countrymen; who ought not, even now, to forget that during this very contest, if one thing more than another has contributed to the salvation of India it has been the Government which Lord Dalhousie organized in the Punjab, and the admirable selection he made of the men by whom that Government has been conducted. To them, my Lords, and to the other illustrious men who are to be

included in our vote to-night, the House and the country may well be grateful, not merely for the individual gallantry they have displayed, but, far more, for the proof they have given that those qualities by which we gained India have not decayed; above all, that the power and art of converting to our own military use the people whom our arms have recently subdued, is not lost to our military and civil servants in the East. There has been nothing more remarkable during the whole of this struggle than the fact that the forces with which we have conducted it have in all cases been two-thirds, or even in larger proportion, Native. At Delhi every one of the storming columns was composed of Native troops in the same proportion; and in the memorable defence of Lucknow, one of the most distinguished portions of its heroic garrison was a small body of Sepoys.

In these facts we may see a clear indication that our hold on India has not been so relaxed—as many seem to fear—that it will depend in future only on the maintenance of a vast European army. The same powers of organization and of Government which founded the empire under Clive and Hastings are as strong as ever in our hands.

I had almost omitted, my Lords, to refer to one point on which the noble Earl opposite seemed to question the accuracy of the language used by my noble Friend the Secretary of State for War with reference to the diversion of the China troops. The noble Earl seemed surprised that my noble Friend should attribute to Lord Canning the merit of that diversion, having himself understood, he said, that it belonged exclusively to Lord Elgin. But the facts were as indicated by my noble Friend, the merit of that proceeding being equally divided between those two noble Lords, inasmuch as the one asked for, and the other assented to the diversion. Lord Elgin did not divert the troops of the China expedition of his own mere motion, as the noble Earl supposed—indeed he would hardly have been justified in so doing. But on receiving from Lord Canning a statement of the gravity of the crisis in India, and a requisition that he would allow of an alteration in the destination of the troops at his disposal, Lord Elgin at once assented, without waiting for any orders from the Government at home.

And here, my Lords, I may mention as some indication how little Lord Canning is open to the charge of inactivity or supineness in the early stages of the mutiny, that not long after the effects of the outbreak had become apparent in Upper India, a telegraphic message was received from Sir J. Lawrence, suggesting a variety of steps which might be usefully taken by the Supreme Government, and to that message Lord Canning was able to reply that every one of those measures had already been resorted to.

My Lords: I must again repeat, that in placing Lord Canning's name at the head of those whom this House is invited to thank, Her Majesty's Government have not been actuated by the mere negative consideration that the omission of his name would be in fact a censure—but by a sincere conviction that among those to whom the salvation of our Indian Empire has been due, Lord Canning holds, and will hold in future history, a place not less prominent than that which we have thus assigned to him. During this last year our Indian Empire has been saved by almost every kind of virtue and every form of valour. I doubt, my Lords, whether among all those virtues there has been any more remarkable, or for which we ought to be more grateful, with a view to the preservation of our dominion, than the perfect calmness, the strong will and clear head which Lord Canning has maintained amid the storms of passion and of panic which have raged around him. By these he has succeeded in impressing on the Native mind the invaluable conviction that for the future, as in the past—no matter under what name our Government may be administered, whether in the name of the Imperial Crown, or in the name—now but a name—of the East India Company, our rule is not to be the rule of a dominant and exasperated race over a subject people, but the rule of a just and equal Government, maintaining perfect equality before the law, between race and race, and between faith and faith. On that principle, my Lords, alone has our dominion been acquired, on that principle alone can it, or ought it to be preserved.

THE DUKE OF CAMBRIDGE: Although, my Lords, allusion has been made by the noble Lord at the head of the War Department, in terms such as they deserve, to the names of all those military officers who have been brought prominently forward on this occasion as being entitled to your Lordships' thanks, yet I think that it is due to that army, of which I have the honour to be at the head, that I should express my entire concurrence in the terms in which its achievements have been mentioned, and the high sense of the gallantry which it has displayed in the conduct

of vast operations which I entertain. Before, however, I say one word upon that subject, your Lordships will, I feel assured, permit me to state that the most cordial good feeling exists between myself and the Commander in Chief in India, and that in the case of that gallant Officer and the noble Lord who holds the position of Governor General of India similar cordiality and good feeling have prevailed from the moment of his arrival in that country. I may add that the existence of such sentiments has not been notified to me merely once or twice, but that it has formed a subject of almost every communication which I have received. I have, therefore, deemed it only due to Lord Canning and Sir Colin Campbell that I should make this public mention of the fact. Now, my Lords, with reference to another subject — the military operations which have recently taken place in India—I am happy to be able to give expression to my high sense of the extraordinary zeal and vigour which have been evinced by our present Commander in Chief in that country from the moment of his landing. My noble Friend the Secretary of State for the War Department has observed that that gallant General was prepared to set out upon his arduous mission upon a notice of forty-eight hours ; but I believe, my Lords, the fact to be that it did not take him two hours to come to a decision, and that within twenty-four hours he had actually received his appointment at the hands of Her Majesty's Government. As to the mode in which he has conducted the military operations which he has undertaken, I need only say that his achievements are patent to the world. It is a thing almost unprecedented in military annals that a large force such as that under his command, encumbered and cramped as it was with numbers of sick, of women, and of children—in short, by every impediment which renders the movements of an army difficult—should have accomplished its withdrawal from Lucknow, as has been the case, without, I believe, the loss of a single man. So marked, indeed, was the ability with which its withdrawal was conducted that the enemy actually fired into the positions which our piquets had occupied, under the impression that our troops were still upon the spot. There were other subsequent operations, also, my Lords, carried out by Sir Colin Campbell, with an ability with respect to which nobody can entertain a doubt. It would, however, ill-become me—an Officer so much his junior in professional experience—to comment at any length upon his great military capacity. His merits as a soldier are not new to us. They have been published to the world during the long series of remarkable events by which his life has been chequered. From the day on which he commenced his career in arms up to the present moment he has invariably manifested that capacity for military pursuits which has raised him to the proud position which he now so worthily occupies. Having said thus much in reference to Sir Colin Campbell, I may be permitted briefly to allude to the next name upon the list of those to whom your Lordships have been asked to pass a Vote of Thanks —I mean Sir James Outram. We are all aware of the mode in which he conducted the operations which he undertook in Persia. It is needless for me to say that, in my opinion, they do him the utmost credit, and while giving expression to a similar opinion with reference to his achievements in India I must not forget to notice the circumstance that when, as senior officer to Sir Henry Havelock, he might of right have laid claim to the command of the expedition for the first relief of Lucknow, he, with true soldierlike feeling, allowed his junior to retain the command, and acting in subordination to him brought the expedition to a glorious consummation. Alas, my Lords, that it has not been permitted to us to pass a Vote of Thanks upon this occasion to that distinguished junior, upon whom your praise or blame now falls alike unheeded. But the other day it was that this House passed a Vote of Thanks to him individually, and little did we then anticipate that his gallant life would so soon be sacrificed in his country's cause. To revert, however, to those who still remain. I am happy to be able to express my concurrence with my noble Friend in all that has fallen from him with reference to the next name on the list—that of Sir Archdale Wilson. The gallantry which was exhibited by the troops engaged before Delhi was, I believe, something extraordinary. Let it be borne in mind that the resources necessary for the prosecution of the siege of that city had to be collected from every part of the country, and that one false move in the conduct of that siege might have tended to the ruin not only of General Wilson and the army under his command, but to the annihilation of our power in India. The responsibility of the Commander was, therefore, great—almost beyond conception. Sir Archdale Wilson, however, was equal to the task which had

been imposed upon him, notwithstanding that he had but very recently been placed in the onerous position which he occupied. He conducted his operations to a successful issue, and it was not until the hour of his triumph had come that he found himself forced by the state of his health to withdraw from active service. The next name which has been brought under your Lordships' notice is that of Major General Inglis. I need only mention his name to ensure your Lordships' applause—his very name is associated with the idea of bravery. The defence of Lucknow under the direction of that gallant officer is, as my noble Friend at the head of the War Department observed, one of the most remarkable in history. I have seen in connection with that great exploit the names of many officers and men to whom, in all probability, your Lordships' attention has not been directed. I can, however, state a fact, which probably has not been brought to your Lordships' knowledge, that during the eighty-seven days which were occupied in the defence of Lucknow, every soldier and every Native employed in the garrison was, as far as I have been able to ascertain, actually under arms and upon duty. Each day during that eventful period every man was, I believe, obliged to shoulder his musket, and was not only under fire, but under fire of a character the briskest and the most severe. So far, indeed, was this discharge of duty upon the part of all carried that the officers shouldered their muskets and did duty as sentries, in order that their men might, to some slight extent, obtain that rest which nature demanded. Circumstances such as these are, I believe, almost unparalleled in the annals of history. I may add, and it is most important so far as the Native troops are concerned, that such was the proximity of the Native troops who remained faithful to us throughout the siege to the mutineers against whom they were fighting, that they were actually able to carry on a conversation with them, and that, although every inducement was held out to them by those mutineers to desert, no solicitation, no inducement, on the part of the enemy could persuade those faithful men to swerve from their duty, nothing could induce them to desert the British standard. I am happy, therefore, my Lords, that those faithful soldiers share in the honour which has this evening been conferred upon the rest of the army. I have now adverted to all those names which have been brought prominently under your Lordships' notice. There are, however, many other names which possess high claims to our admiration. There are such men as Hope, Grant, Greathed, and Walpole. There are, too, various younger officers who have earned for themselves distinction, and who will no doubt, when circumstances call upon them to do so, prove themselves equal to any emergency which may arise. But, while we compliment the officers who have been engaged in this struggle, we must not lose sight of the services of those non-commissioned officers and privates of our army who have rendered great services to their country. Bear in mind, my Lords, the climate under which those services were performed. Recollect that the greater part of the late operations in India were carried on at a season when it was deemed impossible that European troops could march or fight in India ; that one division of the army had to march to Cawnpore, a distance of fifty miles in forty-eight hours; in short, that all that could be done by men under the influence of the finest climate has been accomplished by the Queen's and the Company's troops, and I am anxious your Lordships should be informed that the utmost cordiality has prevailed between both branches of the service, under the burning sun of India ; the two services, in short, have vied with each other in performing the important duties which they were called upon to discharge. There are many names, my Lords, not mentioned in the Vote of Thanks, the bearers of which have, alas, long since ceased to exist. There are the names of Nicholson and of the gallant Neill, of the intrepid Salkeld, Home, and Willoughby, and a host of others no less distinguished. But the fact is that the list of those who have won honour for themselves during these operations is so long that it is impossible to bring each individual case under your Lordships' consideration. My noble Friend at the head of the War Department, in alluding to the particular operations which took place at Lucknow, named especially the 32nd regiment as deserving of notice ; but I think it right to state that a portion of the 84th regiment was also at Lucknow, as well as a considerable body of Artillery. All those troops are entitled to be placed in the same category, and it seems to me desirable that some special mark of favour should be conferred upon men who have performed services so eminent. I may mention that I have been in communication with the Government on the subject of the rewards to be given to the gallant garrison of Lucknow, and I am delighted to find

that the Government feel disposed to allow the officers and men to count a year's service—the officers on retirement and the men on pension—which will apply to the whole European as well as, I have no doubt, the Native force engaged. This is in itself a great distinction. We have a precedent for it, but the case is a very rare one; and I am persuaded that it will be received by the army as the highest compliment which could be paid to this body of troops. Of course, the services of the officers belonging to the garrison will receive every consideration. My noble Friend will recollect that on a former occasion I stated that we only waited to receive such details and correct information as should warrant us in bestowing an adequate reward on the gallant officer in command of the garrison; and that information having since been received, and the Government concurring with us in the steps we thought called for, this distinguished officer has been promoted in a way which I think will be gratifying to his feelings. The claims of other officers will also be considered. I am much obliged to the noble Lord for drawing attention to three who have returned to this country, a fact of which I was not aware, though I knew they had been severely wounded. Your Lordships, I trust, will pardon me for entering into these details, which I have done as a military man, feeling bound to express in the presence of your Lordships my sense of the great services rendered by our army in India. I trust I have omitted nobody in my allusions; if I have done so it has been unwittingly; and I have now only to express my cordial concurrence with the Vote of Thanks which has been moved.

VISCOUNT FALKLAND, alluding to what had fallen from a noble speaker respecting Mr. Frere, said that he knew pretty well the nature of the services rendered by that gentleman during the mutiny in India, and should like to say a few words respecting them. Mr. Frere arrived in Scinde early in the summer of 1857, after having been on leave of absence in England. Almost immediately on his arrival, news of the outbreak at Meerut reached him. Without hesitation, and acting upon his own responsibility, he at once sent two regiments—the 1st European Bombay Fusileers and a corps of Sikhs—to the Punjab to the assistance of Sir John Lawrence. The former of these rendered essential service in chastising a regiment of Bengal light cavalry which had mutinied; the Sikhs escorted the heavy siege train to Delhi, a service of no slight importance, and afterwards assisted in the assault upon the magazine of that city. Not content with this, Mr. Frere sent down into the northern provinces of the Bombay Presidency half of the only European corps which remained; and afterwards, when the Mohurrum, the great Mahomedan festival, approached, such was the feeling of irritation in Bombay, that he found it necessary to denude Scinde even of the small number of Europeans then with him, retaining only a skeleton, so to speak, of the 2nd Bombay Light Infantry. Mr. Frere likewise opened a new line of postal communication between the Punjab and Calcutta and Bombay. He found the communication between those places, *via* Agra, completely closed; and had he not, by dint of great exertions, re-established it by a new line, the Punjab would have been entirely cut off from the rest of India. This, he (Viscount Falkland) thought, was no slight service; and he could not help feeling that, as he had lately seen it observed in a public print, a man who, by his own unaided exertions, held a newly-conquered country containing 6,000,000 of inhabitants entirely by his own energy, and through the respect entertained for his personal character by the Natives, and his known ability and firmness, at a time when he had only 170 Europeans within the whole of that province—such a man had performed essential services to his country; and to have withheld the thanks of Parliament from him, when it was given to every man in the same position, would have been most ungenerous and unjust.

Resolutions *agreed to, Nemine Dissentiente.*

Ordered,—

That the Lord Chancellor do communicate the said Resolutions to the Governor General of India; and that his Lordship be requested to communicate the same to the several Governors, Commissioners, and Officers referred to therein.

BISHOPS' TRUSTS SUBSTITUTION BILL.

Order of the Day for Second Reading read.

THE BISHOP OF OXFORD said, that, consequent on the alteration which had recently been made in the territorial limits of different dioceses in England, it happened that Bishops were now official trustees in districts which were removed into other dioceses. There was no power of substituting the Bishop of the new for that of the old diocese in these official trusts, and considerable inconvenience arose from the want of such a power. He had therefore prepared this short Bill, enabling the Charity Commissioners, upon the case

being proved to their satisfaction, to substitute the Bishop who was intended by the founders to be the administrator of the trust, instead of the Bishop who had formerly occupied that position.

LORD CAMPBELL expressed his approval of the Bill.

Bill read 2a (according to Order), and *committed* to a Committee of the whole House on *Friday* next.

RELIGIOUS WORSHIP ACT AMENDMENT BILL.

Debate on Second Reading *resumed.*

THE EARL OF SHAFTESBURY said, that the debate upon this Bill had been adjourned from the short sitting of Parliament before Christmas, and it would perhaps be for the convenience of the House that he should state the course he intended to take respecting the measure. There were now before their Lordships two Bills on this subject, one introduced by himself, the other by the most rev. Primate (the Archbishop of Canterbury), with the assent of the whole Episcopal Bench. After full consideration he (the Earl of Shaftesbury) infinitely preferred his own Bill, because he thought it would be far more simple in its operations, because it would not go one hair's breadth beyond the exigencies of the case, and would interfere much less than any proposition he had seen with the existing parochial system. Now this measure had received the almost unanimous support of the great mass of the laity throughout the kingdom, more particularly of the middle and those of the working classes, to whom it had been submitted; but he was bound to admit that it had not received by any means the same support from the clergy. A very large proportion of the clergy had declared themselves hostile to the Bill, and many were secretly unwilling to give it that support which would be necessary to carry it into operation. Since its introduction another measure had been introduced, and he was told that the whole four-and-twenty occupants of the Episcopal Bench were unanimous in its favour. Now, that must considerably influence his proceedings. It would not be possible for him to carry his Bill without long and angry contention, and without frequent appeals to the country, and without exciting ill-feeling between the clergy and the laity. Under these circumstances it was impossible for him to proceed with his Bill, and he would therefore ask their Lordships to give him permission to withdraw it. He had, however, to consider whether he could allow the Bill introduced by the most rev. Primate to pass a second reading without opposition on his part. The more inquiry he made respecting the probable operation of that measure, and the more information he received on the subject, the more was he satisfied that it was open to very grave objections. The Bill, as it seemed to him, would give a power to the Bishops which they had not heretofore possessed. It would enable a Bishop, without assigning any other reason than that a deficiency of means of religious instruction had been proved to his satisfaction, to send into any parish he pleased a clergyman to hold occasional services, for a period which was not defined in the Bill, but which would, no doubt, be fixed when the measure went through Committee. The Bishop, however, would have the power of renewing the intrusion as often as he pleased. He was convinced that in some dioceses the Bill would be oppressive, while in other dioceses it would be inoperative; and he was satisfied that the incumbents who had raised objections against the Bill he had introduced would raise ten times as many objections to the measure of the most rev. Primate, which now stood for a second reading. As, however, he found that it would be useless to attempt to carry the Bill he had brought forward, and as he found the Bill of the most rev. Primate was unanimously approved by the whole Bench of Bishops, and that by it they recognized the value and necessity of special services, he would not take upon himself the responsibility of opposing the second reading, and thereby of acting with apparent disrespect to the Episcopal Bench. He would not, therefore, offer any objection to the second reading of the Bill; but, as he regarded it on the one hand as most defective, and on the other as likely to be most oppressive, he would reserve to himself the right, at some future period, of re-opening the whole question of special services. The noble Earl then moved for leave to withdraw the Bill.

Motion *agreed to;* Bill (by leave of the House) *withdrawn.*

CHURCH OF ENGLAND SPECIAL SERVICE BILL.

SECOND READING.

Order for the Second Reading read.

THE ARCHBISHOP OF CANTERBURY said, it was with great satisfaction that he heard the former part of the noble Earl's speech, and with equal regret that he heard the strong condemnation which his noble Friend expressed of the Bill of which he now

moved the second reading. He felt sure, however, that the noble Earl had formed a mistaken opinion of it, and that on mature consideration he would find that it carried out the same object which he himself had at heart, though in a manner more consistent with ecclesiastical rule and order. The difference consisted in this, that before the special services were commenced the diocesan's permission was required, instead of their being inhibited by the diocesan after having been once required. The process would be, that when it appeared to the diocesan, from his own knowledge, or from representations made to him, either by the incumbent or by others, that such services were desirable in parishes of a certain population, he would communicate with the incumbent, and, unless the incumbent saw reason for objecting, he would issue his permission accordingly. It was quite possible that there might be local objections of which the Bishop might not have been aware; and it was right that the incumbent should have the opportunity of representing them, and right that the diocesan should have the opportunity of considering them. If after due investigation a difference of opinion should unhappily remain, an appeal to the Archbishop of the province was allowed, whose decision was to be summary and final. This provision was in accordance with the regular discipline of the Church, and with recent precedents; and if he might judge in this case by his experience in others of a like nature, the right of appeal would work in the most desirable manner by seldom coming into operation at all. This was the object of the measure which he and his right rev. Brethren now offered to their Lordships for acceptance, and these were its provisions. It would simply enable the incumbent and Bishop to supply, in some degree, the spiritual wants of large and populous districts, which they had a right to expect from the Established Church, but which the existing parochial system at present prevents them from enjoying. As he stated two nights ago, nothing would be so gratifying to his right rev. Brethren or to himself as to find that it met the views of the noble Earl who had the merit of first drawing their Lordships' attention to the change required in the present ecclesiastical discipline. He and his right rev. Brethren sincerely hoped that it might answer the purpose which the noble Earl was anxious to attain, laudably conversant as he had made himself with the condition and habits of the working classes, and earnestly desirous, as he was, to promote their best interests, both temporal and eternal.

Moved, that the Bill be now read 2ª.

VISCOUNT DUNGANNON said that, having entertained very strong objections to the Bill introduced by the noble Earl, (the Earl of Shaftesbury) he must express his sincere gratification that he had been induced to withdraw it; for, had that measure become law, the lines of demarcation between the Church and Dissent whould have been swept away, the whole parochial system would have been uprooted, and the seeds of dissension and schism would have been spread in the very bosom of the Church. Although he could not give his assent to all the provisions of the Bill introduced by the most rev. Primate, he thought it was in so far preferable to that of the noble Earl as it would prevent clergymen from being obtruded upon parishes for the performance of special services without a fair opportunity being afforded to the parochial incumbents of objecting to such a proceeding. He thought, therefore, that in regard to this measure he ought not to offer any opposition to the second reading.

THE BISHOP OF LONDON said, he felt he ought not to allow the matter to drop without saying a few words respecting it. He supported the Bill of the most rev. Primate, because he believed it would accomplish everything which the Bill of the noble Earl proposed. He thought that the noble Earl, upon more fully considering the Bill of the most rev. Primate, would see that it really did carry out all the objects he himself had in view. The only difference he (the Bishop of London) could see between the two Bills was this—that whereas, in the one case, the Bishop was to step in in a few days, he was, by the Bill of the most rev. Primate, to step in in the first instance. The fact was, that the Bill of the most rev. Primate exactly made law that which did take place in the case of the Exeter Hall services. A representation might be made to the Bishop of the diocese by any set of persons who felt interested in the spiritual welfare of the district, and the Bishop, by a simple writing, might give permission for the proposed services. The only alteration from what actually took place last summer was that provision was made whereby, in the case of an injudicious permission being given, the matter might be brought before the Archbishop by the clergyman of the district. He would, if the noble Earl had not left the House, most earnestly beg of him to reconsider his statement, that in his opinion the Bill of the most

rev. Primate would be of no value. He thought that when the noble Earl made that statement he must have been speaking of a certain draft of a Bill which had been placed in his hands a few days ago, and which had since received important Amendments, which would bring the Bill exceedingly near to that which the noble Earl himself had proposed. In his (the Bishop of London's) opinion, the Bill now before their Lordships would, in a simple manner, effect all which the noble Earl was anxious to effect. It was a remarkable sign of the times that all the Prelates of the Church of England should agree that such special services were necessary, and should agree that any body of laymen residing in a diocese might come forward and ask for such services. It was remarkable that not only all the Bishops should agree in this, but that they should be joined in that opinion by the noble Viscount opposite (Viscount Dungannon), and he could not but think that it would be very injudicious of any one anxious for these services to put any impediment in the way of this Bill. Twenty-three Bishops, and those who took the same view of the matter as the noble Viscount, agreed that the Exeter Hall services were wanted.

VISCOUNT DUNGANNON did not say that the Exeter Hall services were wanted.

THE BISHOP OF LONDON: The noble Viscount, he apprehended, at least agreed that services such as those provided by the Bill were required. This unanimity showed that the Church of England was prepared to do what was required of her; and that if the working classes, as they were called, were anxious to be taught, the Bishops and clergy were anxious to teach them without violating Church rules. There was now service for the working people in one of the great cathedrals of the metropolis, and he hoped that there would soon be the same in the other. There were similar services in many of the churches, and he trusted that within the next few weeks they would again have service in Exeter Hall.

VISCOUNT DUNGANNON said, that in giving his assent to this Bill he merely bowed to the unanimous decision of the Bishops. He did not retract one opinion to which he had given utterance last Session, and did not wish to be understood as expressing an opinion in favour of the Exeter Hall services.

THE BISHOP OF EXETER while agreeing in the principle of the Bill, did not wish to be bound by all the conclusions drawn from the unanimity of the Bishops by the right rev. Prelate who had just spoken. He (the Bishop of Exeter) supported this Bill in contradistinction to that of the noble Earl (the Earl of Shaftesbury), because it proposed to supply these special services without violating the rules of the Church.

THE BISHOP OF ST. DAVID'S thought that the Bill of the most rev. Primate would effect all that was desirable. A clergyman who had taken part in the services at Exeter Hall, and was one of the most strenuous advocates of special services, not only objected to the details of the noble Earl's (the Earl of Shaftesbury's) Bill, but felt so strongly in respect to the manner in which that Bill proposed to deal with the parochial clergy, that he had published a letter to the noble Earl protesting against the form of the Bill, and suggesting a mode in which the noble Earl's object could be accomplished in another manner. Now that very suggestion was embodied in the Bill of the Archbishop of Canterbury. He (the Bishop of St. David's) was at a loss to conceive how any one could speak of the one Bill as being perfectly safe, and of the other as being dangerous.

The EARL OF DERBY: It is certainly, my Lords, very satisfactory to find such unanimity amongst the right rev. Prelates, in respect of the objects which this Bill proposes to effect; and I am sure it is also a matter of satisfaction to your Lordships that after what has taken place the noble Earl (the Earl of Shaftesbury) has consented to withdraw his Bill for the purpose of enabling due consideration to be given to the very important subject with which you are proposing to deal. I am gratified to find that the Bill of the most rev. Primate is one which is meant to apply not to particular parishes but to districts. The Bill of the noble Earl laid down an abstract rule, permitting those services in any parishes. Now, it is quite clear that such a Bill would embrace many parishes in which there would be no ground whatever for introducing these services. The test of population in a parish would be a most fallacious one. There may be parishes in which the population amounts to 2000, 3000, 5000, or even 10,000, and yet in which the spiritual wants of the parishioners are amply provided for, while there may be parishes with less than 2000 inhabitants in which those wants are provided for in a very imperfect manner. The Bill of the most rev. Primate does not interfere with the parochial system at all, or with the jurisdiction of the incumbent, but applies to exceptional cases—to those cases in

which every one must admit there is a want of spiritual provision, and which occur throughout districts of a large town. The clergyman who is to conduct the special service is not to be introduced as a rival to the incumbent, or as exercising any authority within the parish. It is universally acknowledged that there is a necessity in this and other great towns for the introduction of these special services, to meet the shortcomings of the parochial system; but, wherever they be introduced, I beg that your Lordships will not consider them as anything but what I am sure the most rev. Primate and his right rev. Brethren intend them to be—namely, as merely subsidiary and ancillary to the local services. I hope, my Lords, that very great benefit may result from the services at Exeter Hall; but the attendances in Westminster Abbey, and in the other churches in which special services have been held, prove this—that there is no difficulty in inducing the people to attend the churches. The little church of St. Margaret's has been opened to receive the overflowings of Westminster Abbey, and it, too, has had its overflowing congregations. I look upon this as an experiment to ascertain what can be done in the way of bringing the masses to receive regular religious instruction; and I trust that even after the first gloss and the novelty have passed away, it will produce its lasting effects. But again I would beg of your Lordships never to consider these services as anything but subsidiary to the local services. In this great metropolis it would be impossible so to subdivide the parishes that every one should have his sphere of work, and this Bill of the right rev. Primate affords a means of supplying in a regular manner, and under episcopal sanction, additional religious instruction in those districts in which it is required. The Bill provides for an appeal from the Bishop to the Archbishop, so that I do not think any difficulty can arise as regards its operation in respect of the power given to the right rev. Prelates. It must be expected that in a Church constituted as the Church of England is, Bishops may entertain different views on certain matters; but I do sincerely hope that the Bishops will feel it their duty to impress on the clergy, that, in respect of these services, their duty is to call in the wandering, the guilty, and the ignorant within the Christian fold, and that they have nothing whatever to do with questions which, however important in other respects, would in their application be utterly inconsistent with the purposes for which these special services are designed. I support this Bill because I think it will effect the views which the noble Earl (the Earl of Shaftesbury) proposes in his Bill, and do so in a manner much less opposed to the system of the Church.

THE BISHOP OF LLANDAFF supported the Bill, but was understood to give notice of his intention to move some proposition in Committee.

Motion *agreed to.*

Bill read 2ª accordingly, and *committed* to a Committee of the whole House on *Tuesday* the 16th *instant.*

House adjourned at a quarter past Nine o'clock, till To-morrow, half-past Four o'clock.

HOUSE OF COMMONS,

Monday, February 8, 1858.

MINUTES.] NEW MEMBERS SWORN—for Mayo, Lord John Thomas Browne; for Reigate, Sir Henry Creswicke Rawlinson.

1° London Corporation; Clerks of Petty Sessions (Ireland); Markets and Fairs (Ireland); Lady Havelock and Sir Henry Havelock's Annuities.

2° East India Loan.

PRINCESS ROYAL'S MARRIAGE.—HER MAJESTY'S ANSWER TO THE ADDRESS.

MR. SPEAKER *reported* Her Majesty's Answer to the Address, as followeth:—

"I receive with great satisfaction your dutiful and affectionate Address; and I thank you for your congratulations on an event which, it is most gratifying to Me to know, has called forth expressions of heartfelt sympathy and loyal attachment from My faithful People."

CHAPEL IN PARIS FOR BRITISH RESIDENTS.—QUESTION.

MR. WISE said, he would beg to ask the Chancellor of the Exchequer whether the £2,000 advanced from the Fund for Civil Contingencies on account of the purchase of a Chapel in Paris has been repaid, and what course Her Majesty's Government has taken with reference to the decision of the House of Commons declining to confirm the contract made by the British Ambassador; whether it is true that certain British residents at Paris have offered to purchase the said Chapel, and that Her Majesty's Government have declined to resign the purchase condemned by the vote of a large majority last Session.

THE CHANCELLOR OF THE EXCHEQUER said, in reply, that no offer had

been made to the Ambassador at Paris which would completely exonerate the British Government from the liability which it had incurred in this matter. An offer had been made which would have that effect if a condition were complied with which it was within the discretion of the French Government to grant. The matter had been under the consideration of the French Government, but he understood that there were some legal difficulties in the way. Her Majesty's Government, however, had received a favourable answer, and he did not doubt that the affair would be satisfactorily arranged.

CAVALRY REINFORCEMENTS FOR INDIA.—QUESTION.

In answer to Captain VIVIAN,

SIR JOHN RAMSDEN said, that arrangements had been made to reinforce our cavalry in India in the same manner as the rest of the troops there would be reinforced—by sending out draughts to the regiments already there. There was no present intention to send out any more cavalry regiments, but that, of course, would depend upon the course of events in that country and the necessities which might arise. Neither was there any intention to send out troop horses with the reinforcements; that course was attended with great risk, and the Government had reason to believe that there were already in India, or would soon be there, troop horses from the Cape, Persia, and the usual sources of supply, amply sufficient for all purposes.

THE ENGLISH ENGINEERS AT SALERNO. QUESTION.

MR. RIDLEY said, he would beg to ask the First Lord of the Treasury, whether Her Majesty's Government have received a Copy of a Despatch, dated the 16th day of January, sent by the Sardinian Government to the Government of Naples, on the question of the illegal capture of the *Cagliari* steamer and her crew; and if so, whether it is intended to lay a copy of that despatch on the table of the House. Also, whether the views of Her Majesty's Government coincide with those of Count Cavour; and, if so, what course they propose to take in pursuance of those views?

VISCOUNT PALMERSTON: Sir, in reply to the question of the hon. Gentleman, I have to state that a copy of the despatch alluded to has been communicated in confidence to Her Majesty's Government by the Sardinian Government, accompanied at the same time by documents drawn up by the Neapolitan Government, forming the act of accusation against the parties seized on board the *Cagliari* steamer. There is at this time a question pending between the Sardinian Government and that of Naples in regard to the capture of the *Cagliari* in that part of the sea where she was seized. The whole of the matter has been referred by Her Majesty's Government to the Law Officers of the Crown for their opinion as to the bearing of these facts on any rights which the British Government may have with regard to the engineers who were on board the *Cagliari;* but at present I am not able to state what their opinion is, nor how far Her Majesty's Government will think it right to alter their course in consequence. I am not at present authorized to lay that despatch before Parliament, but when the matter is a little further advanced we may expect that the Sardinian Government will have no objection to its production.

GENERAL ASHBURNHAM.—QUESTION.

MR. WARREN said, he wished to ask the First Lord of the Treasury whether it is true that General Ashburnham proceeded from China to India in pursuance of instructions from home, and whether he has since returned to England, and, if so, under what circumstances, whether voluntarily or whether he has just been recalled; and, in the latter case, whether there be any objection to state on what grounds?

VISCOUNT PALMERSTON: Sir, it is well known that General Ashburnham was sent out from this country to take the command of the forces which were intended to operate against Canton. Those forces have been diverted from their destination at the request of Lord Canning, in order to reinforce the troops which have been engaged in India. In consequence of this, and of the necessary suspension of any active operations against Canton for an indefinite time, General Ashburnham was directed by the Commander in Chief to leave China and to go to India, in the expectation that his services might possibly be useful in India in some active operations in the field. General Ashburnham went, therefore, to India; but on arriving at Calcutta he found that he should have no opportunity of obtaining active employment in the field, and likewise that there was not room upon the Staff for an officer of his rank. He waited there for three or four weeks, and, finding that there was no immediate prospect of any active employment

in India, he thought it best to return home and to place himself at the disposal of the Commander in Chief in this country. He was not recalled, because there was not time for the fact to become known at home that there was no employment suited for him in India; but he came home of his own accord, and placed himself at the disposal of the Commander in Chief.

GENERAL PEEL said, that the question was one which involved honour and character, and he must throw himself, therefore, upon the indulgence of the House. [*Calls of* "Order!"] He would, however, put himself in order by moving the adjournment of the House.

MR. SPEAKER: I have usually observed that in cases where the honour or character of individuals is involved the House is in the habit of allowing a departure from its strict rules. If it is the pleasure of the House to take that course on the present occasion I trust that the proceeding will be confined to individual explanation, and that it will not be allowed to lead to a debate.

GENERAL PEEL said, that he would not trespass longer upon the time of the House than would be absolutely necessary for the purpose of an explanation. He was obliged to his hon. and learned Friend the Member for Midhurst (Mr. Warren) for having done him the honour to ask whether he thought the question would be a proper one to put, and he at once replied to his hon. and learned Friend that, judging from his own feelings and from a knowledge of the high character and honour of General Ashburnham, he believed that, so far from such a question being regarded as an unfriendly act, it would confer the greatest possible favour upon General Ashburnham, because it would afford him the earliest opportunity of making an explanation of the circumstances under which he had returned to this country. Those circumstances had been most correctly stated by the noble Lord at the head of the Government; but, as his gallant Friend had intrusted him (General Peel) with a detailed account of the matter, he would, with the permission of the House, read to them General Ashburnham's statement. It was as follows:—

"On the 26th of October I received official notice of my nomination as Lieutenant General on the staff in India, with directions to proceed to Calcutta, in company with the senior officers of the general staff in China, Colonels Pakenham and Wetherall. I took my departure from Hong Kong on the 17th November by the first direct opportunity. On arrival in Calcutta I found no instructions awaiting me, and the Governor General informed me that he knew of no way in which my services could be employed. I reported my arrival by telegraph to the Commander in Chief, then at Cawnpore, stating what I had learnt from the Governor General, and adding that if there were no employment open to me I wished to return to England. In answer to this I received the following telegram from the chief of the staff:—'Your message has been laid before the Commander in Chief. You can learn from Colonel Birch the decision as taken regarding Lieutenant General Beresford, whose case is similar to yours. I will write at length by post and convey his Excellency's views to you.' I immediately went to Colonel Birch, Military Secretary to Government, and learnt from him that Lieutenant General Beresford remained in command of the division he held, as Major General, previous to his appointment as Lieutenant General. Some days after I got the following letter from the Chief of the Staff, dated Cawnpore, the 12th of December: 'Sir—I have the honour, by desire of the Commander in Chief, to inform you that there is no command in the field to offer to an officer of your rank at present. It would appear that the only mode in which your services may be made available at this time is the command of such division as the Governor General in Council may be pleased to put under your orders. When Government shall have decided on this question his Excellency will take care that you shall be instantly informed. (Signed.) M. MANSFIELD, Chief of the Staff.' After this I had some further conversation with the Governor General, who offered me command of the Lahore Division, about to become vacant. I replied that, having been appointed (as an exceptional case) Lieutenant General on the Staff, I did not conceive I should fulfil the intentions of his Royal Highness by taking command of a permanent district removed from the scene of action, and that my acceptance of such a command would deprive other officers of a post to which they were entitled by recent distinguished service in the field. I added, that I should be happy to take the command of any force, however small, on active service. It should be borne in mind that the command of a division is the best appointment open to a military man in India, excepting that of Commander in Chief. My acceptance of such appointment, to the exclusion of any of those officers whose rank befitted them for it, and at a time when many had rendered such brilliant service, would surely have seemed an act of injustice. What would the people of England have said if I had obtained such a prize before Major General Sir Archdale Wilson of Delhi? I wrote accordingly to his Excellency the Commander in Chief that, as there was no command in the field open to me, I proposed returning at once to England, and it was notified by the Military Secretary of Government that the Governor General had no objection to my so doing."

That was the whole history of the case. He admitted on the part of General Ashburnham that he was aware that he might have been guilty of a breach of military etiquette in not awaiting in India until he received permission from the Commander in Chief to return to England; but he trusted that the House would agree with him that his gallant Friend had been actuated only by the most honourable motives in wishing, as he could not obtain a com-

mand in the field, not to supersede other officers who had distinguished themselves in the service.

VOTE OF THANKS TO THE CIVIL SERVICE, ARMY AND NAVY IN INDIA.

VISCOUNT PALMERSTON having risen to propose the Vote of Thanks which stood in his name upon the Paper,

MR. DISRAELI said, he rose to order. He must appeal to Mr. Speaker whether upon an Order night it was not usual for Orders of the Day to take precedence of Motions?

MR. SPEAKER: It is the practice of the House that upon the occasion of proposing a Vote of Thanks, that Motion has precedence of any business—whether Notices of Motion or Orders of the Day—which may stand first upon the list.

MR. DISRAELI: Then, Sir, I wish to speak to a point of order, arising out of the manner in which the notice appears upon the Paper, and which I do not think is altogether regular. So far as my memory serves me it was, I think, on Thursday night that the noble Lord at the head of the Government gave notice of certain Motions which I understand are now to be brought before us. The noble Lord gave notice upon that occasion of a Vote of Thanks to the Army and Navy for their services in India. On Friday morning, when the Paper appeared, there was no intimation of the character of the Motion which the noble Lord was going to make, and certainly the general impression was that upon this evening the noble Lord would propose the Thanks of the House to the Army and Navy for their services in India. Now we had an opportunity on Friday morning of clearly understanding what were the intentions of the Government, and of receiving from the noble Lord those explanations which I think were desirable; because I am sure that it must be the wish of every hon. Gentleman that an expression of opinion of this kind should, if possible, be unanimous. But upon Saturday morning, to the great surprise of many, we first saw the propositions which the noble Lord is about to make introduced upon the paper, and no opportunity was then offered of making any inquiries of the noble Lord with respect to the intentions of the Government. The point of order on which I wish for your direction, Sir, is whether these notices which the noble Lord has put upon the Paper and is about to propose are altogether regular. If the House will allow me, I will point out the very painful and embarrassing position in which we are placed by a course of conduct which on the part of the Government could not, I am sure, have been intentionally disingenuous. The first notice on the Paper is for a Vote of Thanks to the Governor General of India, of which no notice was given by the noble Lord on Thursday night. Sir, I am far from wishing to raise any discussion upon this occasion on the merits and conduct of the Governor General. I have my own opinion of the policy which he has adopted, and I know that there are some hon. Members who have thought that this policy ought to have been brought under the consideration of the House; but I have always dissuaded hon. Gentlemen from taking that course, because, in a great emergency I thought that it would be premature and precipitate to ask the opinion of Parliament on the conduct of the Governor General. Sir, I merely make these observations to show—what I assure you most sincerely is the case—that I have no personal or party feeling in the course which I am now adopting. We are, however, asked to-night to vote our thanks to the Governor General of India, and I maintain that we have had no proper notice of that intention. The notice on Thursday night, by which we were guided, was a notice of a Vote of Thanks to the Army and Navy. Now, Sir, I put it to Her Majesty's Ministers whether it is not most desirable, in a case like the present, that there should be a unanimity of feeling, and whether the noble Lord ought to press a Motion which comes before us in so irregular a manner? If the noble Lord thinks it right to propose a Vote of Thanks to the Governor General of India, it is perfectly open to him to give a notice of his intention. He then can have a debate upon the whole policy of the Indian Government during the last twelve months, and there may be a call of the House, if necessary, in order that upon that important subject a fair verdict may be given. But I ask the noble Lord, and I ask you, Sir, whether the noble Lord is justified in taking the course which he intends to take to-night by proposing a Vote of Thanks to the Governor General of India, while the notice that was given to us was simply a Vote of Thanks to the Army and Navy? That, Sir, is a point of order on which I should like to hear your opinion.

MR. SPEAKER: The noble Lord gave in the first instance a general verbal notice of his intention to move a Vote of the Thanks of this House. The noble Lord afterwards placed upon the table a Paper which I now hold in my hand, containing the terms of his Motion, being the very same as those which appear in the Votes of to-day. This notice was printed on Friday and delivered with the Votes on Saturday morning. I have no hesitation in saying that, in my opinion, ample notice has been given by the noble Lord of his intention to propose the Motion in the terms in which it stands on the Votes.

SIR JOHN PAKINGTON: I rise, Sir, to a point of order. You will believe me, I trust, when I say that I should be the last person in this House to dispute the correctness of any point of order ruled by you; but I may venture most respectfully to say that the answer which you have now given does not meet the appeal of my right hon. Friend the Member for Buckinghamshire. It appears from the answer you have now given that your own recollection of the facts is not quite distinct. In your reply to the appeal of my right hon. Friend you have said that the noble Lord on Thursday last gave a general notice. Now, Sir, the appeal which my right hon. Friend has made to you, and which I beg with great respect to repeat, is founded upon the fact that the noble Lord did not give a general notice. The notice of the noble Lord was specific, and not general. The notice of the noble Lord —I am in the recollection of the House, and I think that you, Sir, will admit the accuracy of what I say—was, that on this day he should move the Thanks of this House to the Army and Navy. I do not believe that there is a man in this House who had any idea until he saw the notice in the Votes delivered on Saturday morning that there was to be a Vote of Thanks to the Governor General of India, and yet that is the first and most important part of the Motion of the noble Lord. Now, Sir, this is the point of order which I venture, with the greatest respect, to put to you—whether it is consistent with the rules of this House, or ought to be consistent with its practice, that a Minister shall give a notice on one day, in a certain form of words, and then substitute for it a written notice of a totally different character?

VISCOUNT PALMERSTON: Allow me to say, Sir, that there never was a discussion on a point of order which seemed to be more completely irrelevant to the Orders of the House than the present. Why, Sir, if we come to order it is not necessary, in point of order, to give any notice. The Orders of the House would permit any hon. Member to get up on the spot to move a Vote of Thanks. Therefore, when hon. Gentlemen appeal to the Orders of the House, they ought to know and remember what those orders are. Now, with regard to the practice of the House, on which the right hon. Baronet (Sir John Pakington) had laid so much stress, it is this—any hon. Member who intends to propose a Motion first gives a verbal notice of it, and is next bound to put upon the Votes the distinct and detailed words of his Motion. Now, I gave notice on Thursday that I should move a Vote of Thanks to the Army and Navy; but the right hon. Baronet now says that I am about to propose the direct contrary.

SIR JOHN PAKINGTON: No, no! Something directly different.

VISCOUNT PALMERSTON: The notice that I have given in the Votes does include the Army and Navy, and the only difference between my verbal and my written notice is that the latter goes beyond the Army and Navy. I should think that it shows grounds and reasons why the Governor General of India, the Governors of the Presidencies, and Sir John Lawrence, are entitled to be included in the Vote of the House. The right hon. Member for Buckinghamshire (Mr. Disraeli) and the right hon. Baronet have been arguing, not upon the Orders of the House, but their opinion of the propriety of the Motion which I am about to move. I appear to you, Sir, whether there is any question about order.

MR. SPEAKER said, he must repeat his opinion that due notice had been given of the Motion as it stood in the Votes.

VISCOUNT PALMERSTON: I rise, Sir, to perform a duty at once painful and gratifying to the person who has to perform it —one which I am sure will excite in the minds of every Member of this House who hears me feelings of a similar character. The occasion upon which we are assembled is of no ordinary character, and the Motion I am about to submit may be considered in one sense as productive of unmixed congratulation. The House should bear in mind those great events which in the last year have happened in India, and which

have called forth from the British residents in every part of that country all those high and distinguished qualities which characterize our race, and which never in the history of the world have been more eminently displayed. That great mutiny, which has extended to almost the whole of our Bengal army and to some small portion of the armies in the other Presidencies, was an event unexpected by anybody. It was foreseen by nobody before it happened, although there have been many prophets after the fact. There were those to whom it was known that as to particular matters of local concern certain regiments of Sepoys had manifested a discontented and mutinous feeling; but those who best knew the Sepoys, and who had had the longest experience of them, reposed the most perfect confidence in their general loyalty and fidelity. Sir Charles Napier, who had, as he said himself, for six years the command of the Bengal force, in a paper which I laid upon the table last Session, dated 1849, described the Native troops as proverbial for their fidelity. It is true that in that very paper he mentions that Lord Hardinge —who had not had so much experience of the character of the Indian soldiers, but who, judging, probably more correctly as it has turned out, by the general principles of human nature, thought that it would not be expedient to collect a large body of the Native troops together for the purpose of military exercise or parade lest they might be led to revolt. But Sir Charles Napier, alluding to that opinion, distinctly said that he entertained no such apprehension, and that he thought we might confidently rely upon the fidelity of any number of Native troops that might be collected together in large masses for the purpose of instruction. This great mutiny, which began by small degrees, but gradually extended itself over a vast extent of the country and withdrew an immense amount of the military force of India, took the Europeans in that country almost entirely by surprise. Those officers who were best acquainted with the character of their troops had so much confidence in their fidelity that they could not be persuaded, even at the last moment, to believe in the danger that had arisen, and some of these gallant men unfortunately fell victims to the over confidence which they reposed in their troops. Well, Sir, the great evil coming unexpectedly, and taking the civil and military servants of the Company and of the Crown in India by surprise, greater opportunities have been afforded than if warning had been given for the display of that energy, that resource, that self-reliance, that courage and perseverance which they have shown upon so many and such great occasions. Though we rejoice at the triumphs which have been obtained, and are proud of the successes which our troops have gained over superior numbers, yet it would be unworthy of this House, and not in consonance with the feelings of the people of this country, if we were not to mourn over the loss of the many great and brave men who have fallen in this great revolt. I do not allude to those private afflictions which have been the consequence of acts of barbarity committed upon many occasions throughout India. That is an affair which, however painful it must be to the feelings of every man who has heard of those barbarities, is yet one with which it is not the duty of Parliament to concern themselves in their collective capacity. We look to what concerns the public service of the country. At the same time, in passing a vote of thanks to the living, it would be unworthy of us not to pay a passing, but well-deserved tribute to those whom this country has lost. We have lost many men, some of whom gave promise of future distinction, and some of whom, by their active career had already entitled themselves to the gratitude of the country. The first man whom I should mention, because he was the first to perish, is General Anson, who was Commander in Chief when the mutiny first broke out. General Anson, though in a state of health which hardly permitted him to undertake any active operation at the moment, immediately assumed the command of such troops as he could collect, and pressed forward with them to Delhi. General Anson has been reproached by certain persons in this country, who were unacquainted with the facts, with having unnecessarily delayed the investment of Delhi and with having waited for a siege train which was not required. Now, Sir, so little informed were the people of this country with regard to the state of things in India that many persons imagined that Delhi was an open town, which could be at once walked into by any force which might be brought against it, and few were aware that it was surrounded by forts and batteries. General Anson, however, unfortunately fell an early victim to his zeal for the public service, and was succeeded by General Barnard, who marched to Delhi, and who, during the short time that his life

was spared, displayed the finest qualities of a general. General Barnard, on arriving before Delhi, gained a considerable advantage over a body of Sepoys who were outside the town. Some officers might have paused after an engagement in which, although success had been achieved, it had been achieved with great exertion and after a long and harassing march; but General Barnard saw that if the Sepoys were allowed to remain outside the town they would strengthen their position, and consequently he would have two sieges to undertake, one against that advanced position, and the other against the city itself; he therefore pushed on, and having routed the enemy, drove them within the town, thus gaining a great advantage for the besiegers. Well, Sir, General Barnard also fell a victim to his zeal, and was succeeded by General Wilson, who, more fortunate, was able to bring the siege to a close, and happily is still spared to us. The list of those indeed who have perished either by disease or by the sword in this unhappy struggle would be too long for me to recapitulate, but I may, perhaps, be allowed to mention the names of some who have performed actions which have been most prominent in the public view, and in doing so I must not be supposed to imply that there are not others whose names I do not mention who are equally deserving of public esteem. Sir Henry Lawrence was a man whose great services we all know and appreciate. He was a man who had for years held most distinguished positions, both military and civil, and every man who is acquainted with India knows how admirably he discharged the duties which fell to his lot. Then there was General Nicholson, an officer of surprising merit, and whose services would have continued to be, had he lived, of the utmost value to the country. Sir Hugh Wheeler, too, fell in the midst of his arduous attempts to defend Cawnpore, regretted by all. It is sufficient merely to mention the name of Havelock, for all must feel the loss which the country has sustained in his death, and we all know how deep was the lamentation and regret of the country at his death. Then there was General Neill, an officer of great merit, and whose death was a great loss to the country. Lieutenant Willoughby early distinguished himself by one of the most daring attempts ever made, and, although when he blew up the magazine at Delhi he at the time escaped, he fell a victim afterwards either to disease or to the assault or ambuscades of the enemy. Then there was Salkeld, whose name in conjunction with that of Lieutenant Home will go down to posterity as that of men who in the performance of a desperate duty, blowing in the gate of Delhi, displayed a cool judgment and an indifference to danger which have never been surpassed. Well, Sir, there have been many others whose names I forbear from enumerating, but whose services we ought not upon the present occasion to forget. We ought to clearly show, when referring to those who are happily still alive, and performing good service in India, that we do not forget the exertions of those that have fallen, but that we associate with their memories the bitter recollection that those exertions are no longer available for their country. There is one consolation, however, in this matter, and that is, that the display which we have seen of those great and manly qualities, which adorn the people of this country, has been so general, that it is impossible not to believe that many persons, who have had no opportunity of distinguishing themselves, would have shown qualities equal to those which have earned for their more fortunate brethren the grateful recollection of their country. I then come to those whose good services have happily been still spared to us, and I will state to the House the Resolutions which I propose to move. I propose, in the first instance —and it is the usual practice upon such occasions—not only to thank the military and naval officers and men for the services which they have rendered, but also to thank those persons at the head of the civil government, who by the arrangements which they made, and by the means which they have placed at the disposal of the military officers, have essentially contributed to the success which has happily attended our efforts. I propose, also, to thank, not only the officers and men of the sister services, but to add a Resolution of which I have not given notice; but I am sure that, although it is a departure from the strict practice of the House, it will not be objected to upon any point of order. I think that this House, in recognizing the services of the naval and military officers and men in India, will at the same time be most willing to acknowledge the services of a great number of persons who, although not belonging to the military profession, have in different parts of India defended their posts when attacked, and have ably co-operated with the mili-

Viscount Palmerston

tary. Some objection may be taken to the first Resolution, which relates to the services of Viscount Canning, Governor General of the British Possessions in the East Indies; Lord Harris, Governor of the Presidency of Madras; Lord Elphinstone, Governor of the Presidency of Bombay; Sir John Laird Mair Lawrence, G.C.B., Chief Commissioner of the Punjab; and Henry Bartle Edward Frere, Commissioner of Scinde. Now, Sir, if those different officers had not performed the services which they have performed—if they had not evinced the utmost diligence and care, by which alone they were enabled to place at the disposal of the military commanders a considerable force even before the arrival of a single man from England, the successes which we have obtained might probably not have befallen us; Delhi and Cawnpore might not have fallen, nor might the garrison of Lucknow have been relieved. When first the mutiny assumed a shape which displayed its formidable extent and magnitude, Lord Canning, knowing that a considerable period must elapse before large reinforcements could arrive from England, began to consider whence he could obtain troops; and he wrote to Lord Elgin, strongly urging him to permit the force which had been placed under his directions for China to be diverted from its destination, and to proceed to the assistance of the army in India. Well, Sir, Lord Elgin, with prompt and ready zeal, immediately acquiesced, and consented to denude himself of that force on which he depended for the success of the mission upon which he had been sent —Lord Elgin, I say, feeling the vast importance of suppressing the mutiny in India, immediately consented to part with his force, and for the time abandon the negotiation with which he had been intrusted. Lord Canning sent also to the Governor of the Cape of Good Hope for assistance, and Sir George Grey, although there were certain symptoms with regard to the Kaffirs calculated to excite some uneasiness, seeing the importance of the emergency, sent him men, horses, artillery, and money,—in short, everything which could assist Lord Canning upon the occasion. The Governor of the Mauritius did the same. The Governor of Ceylon did the same. Indeed, Sir George Anderson and Sir Henry Ward stripped their respective colonies to an extent which, perhaps, nothing but a great emergency could have justified, and took upon themselves a responsibility which did great honour to their public spirit. Lord Canning took steps also to procure from Persia, from the Mauritius, and from Australia, horses to mount the cavalry and artillery which he expected to arrive, or which he had already at his disposal. Lord Canning, knowing that, when the troops from England arrived, there would be a difficulty in sending them from Calcutta up the country, and knowing, from experience, that the bullock-carts, the animals and vehicles of the peasantry, were taken, as was the custom, by conscription, and that the peasantry, therefore, hid them and carried them away, and that it was difficult to obtain the means of transport—Lord Canning, I say, wisely resolved to pay the peasantry for the use of these carriages, and the result was that, so far from there being no means of transport, after the arrival of 20,000 troops, a great number of bullock-carts were obliged to be sent away, which had been brought to the railway station by the people in the hope that they would be employed. I say, then, that Lord Canning is justly entitled to the acknowledgments of this House for the energy he showed on that occasion. Sir, Lord Canning has been the object of much attack; and I will give the House a specimen of the justice and truth of those attacks. A statement, I am told on authority which I can trust, although I did not see it myself, appeared in a Calcutta newspaper, published at the time when Lord Canning appointed the staff officers for the expedition to Persia, in which it was said, in regard to one of those appointments, "that Lord Canning had now crowned all his former follies by confiding to a worn-out red-tapist, and a man totally unfitted for such a post, an important military command." In short, the officer so selected was held up by this newspaper to ridicule and contempt, as a man fit for nothing else but to sit at table with a dinner before him. And who does the House think was the officer thus assailed? Why, no other than the distinguished General Havelock. I hope, then, the House will not allow themselves to be led away by the vituperation cast upon Lord Canning by the Calcutta press, or by the reports sent home in private letters from that capital. I entreat them to look at the public services which Lord Canning has performed in providing our officers with the means requisite to enable them to accomplish their military operations with success; and I think that no man of generous

mind will be disposed to reruse to the Governor General the meed of acknowledgment so justly due to him. I may say the same, in a lesser degree, of Lord Elphinstone and Lord Harris, who did the utmost in their power to strengthen our forces at the immediate scene of action by sending every disposable man to Bengal, and thus stripped their respective Presidencies of troops which, even under ordinary circumstances, might have been thought necessary for their tranquillity, and which, if there were to be a mutiny in their armies, would have been doubly essential in those Presidencies. The services of Sir John Lawrence were really beyond all praise. Sir John Lawrence, by his ability and judgment, not only kept the Punjab tranquil, but organized a large force of Sikhs—the very men who were before regarded as the most dangerous to our rule—threw himself upon them for support, and then sent almost every European soldier within his reach to Delhi, by which means General Wilson was enabled to effect the capture of that great stronghold. I trust, therefore, that this House, ever generous in its appreciation of distinguished public services, will concur in the first Resolution which it is my duty to propose. I must not, however, omit to mention the name of Mr. Frere, the Commissioner of Scinde, who is also included in this vote—a man whose services are so well known and appreciated that it is superfluous for me to allude to them at greater length. The second Resolution which I have to submit is—

"That the Thanks of this House be given to his Excellency General Sir Colin Campbell, G.C.B., Commander in Chief of India; Major General Sir James Outram, G.C.B.; Major General Sir Archdale Wilson, Bart., K.C.B.; and Major General John Eardly Wilmot Inglis, K.C.B., for the eminent skill, courage, and perseverance displayed by them in the achievement of so many and such important triumphs over numerous bodies of the mutineers."

No warmth of approbation which this House can express can be greater than the services of Sir Colin Campbell deserve. Sir Colin Campbell has displayed the highest qualities which can distinguish a general in the field. The alacrity with which he left England to take the chief command was characteristic of his country, of his Highland extraction, and of his military career. When requested to proceed to India he replied that he would be proud to have the trust committed to him; and on being asked when he could start, he answered, "To-morrow evening." He wanted no time for preparation, no delay for arranging his military equipments. He could get every thing he required, he said, at Calcutta, and he would not lose an hour in leaving England by the first steamer then under orders to sail. He arrived at Calcutta, and presented himself at the residence of the Governor General; and, whatever may have been reported from India to the contrary, I am able to state that the most perfect confidence, the most perfect harmony, the most perfect reciprocal esteem and goodwill prevailed between him and the Governor General from the moment that he reached that country down to the latest hour to which our intelligence extends. I know that Sir Colin Campbell has written to the Governor General, expressing his lively sense of the public services performed by Lord Canning in the course of this general and wide-spread mutiny. Sir Colin Campbell has the rare merit of uniting to the greatest intrepidity and the most daring courage that caution, that combination, that facility of adapting the means to the end which is best calculated to accomplish the object in view with the least possible sacrifice of life to his troops. This most admirable quality is one which, perhaps, few of the great leaders whose deeds are recorded on the page of history can be praised for displaying; but it is nevertheless a quality which his illustrious predecessor (the Duke of Wellington) eminently possessed, and which is always sure not only to command the confidence of the army, but to render its services doubly effectual when the day of battle arrives. In his splendid advance upon Lucknow, in the manner in which he extricated that large train of women and children, and of sick and wounded from the beleagured Residency, Sir Colin Campbell has shown a military skill and ability that were never surpassed. And when he returned to Cawnpore, and had to attack the Gwalior Contingent, instead of rushing to the encounter without preparation, he paused to mature his plans and complete his arrangements for the safety of those entrusted to his care, and then inflicted upon the enemy a discomfiture all the more signal and decisive for his previous delay. It is a great consolation for the country to know that it possesses so great a commander as Sir Colin Campbell has proved himself to be; and it is equally satisfactory to feel that we have men who

the moment they are placed in situations of great responsibility show themselves fully equal to the occasion, and entitle themselves to the applause and gratitude of their country. Then, Sir, there is General Wilson who came accidentally to the command of the force before Delhi by the death of his two predecessors. General Wilson has shown that the officers of the scientific branches of the service are not less capable than their comrades of the other branches to command armies and achieve great and glorious results. The skill he exhibited in the various engagements which took place before the great rebel stronghold, the talent he has evinced in conducting the siege, and his judgment in not attempting the assault until he had a sufficient force under him to insure success, entitle him to the high approbation and Thanks of this House. General Outram, too, after performing with great ability the service upon which he was sent to Persia, returned to India and was appointed to a command which entitled him to supersede General Havelock, who had been earning by repeated successes those laurels which now, alas! can only crown his monument. Yet Sir James Outram, with a spirit of chivalry equal to his gallantry and skill — with that generosity which is so often the accompaniment of true courage, declined to take from General Havelock the command of that force with which he had acquired such brilliant distinction, telling him that "Until you have succeeded in relieving Lucknow, the object of your successive efforts, I will serve under you as a volunteer, and will not step in to deprive you of that glory which you so justly deserve." It is gratifying, then, to see that those who distinguish themselves in arms also show themselves to be endowed with the magnanimity so nobly displayed in this instance by General Outram. The exertions of General Cotton and Colonel Edwardes were also of important service in conjunction with Sir John Lawrence at Peshawur, while by General Hope Grant, an officer of great distinction and great promise, very brilliant achievements have been performed, which lead us to hope that, from his time of life, he may yet long continue to be an honour to his profession and a glory to his country. Then there is Brigadier Chamberlain, who greatly distinguished himself at Delhi, and also General Greathed, whose gallant feats have won him so much fame. I mention these names because, although some of them cannot be formally mentioned in the Resolution, it would yet be a suppression of the feelings of this House were they not inscribed in the records of our discussion. Still I cannot name them all even orally, but must content myself with only pointing out those who happen to have had the greatest opportunity of making themselves prominent. There is Colonel Jones, of the 31st Foot, who made himself conspicuous at Delhi; Colonel Campbell, of the 32nd, and Colonel Jones, of the 60th, who also distinguished themselves on the same occasion. Colonel Baird Smith, of the Engineers, had the merit of conducting, under General Wilson, all the siege operations of Delhi with the greatest ability, and succeeded in placing a battery within fifty yards of the wall to be breached,—a feat worthy the highest admiration; Lieutenant Rayner and Lieutenant Forrest co-operated with Lieutenant Willoughby in that gallant exploit of blowing up the magazine at Delhi. General Woodburn, of the Bombay army, and Brigadier General Stuart have also rendered essential service, while General Van Cortlandt has acquired great reputation by his achievements in the Punjab. There was Brigadier General Burnes; Colonel Vincent Eyre, who performed most gallant and most important services; Colonel Inglis, a name never to be forgotten, and made illustrious by that gallant defence of Lucknow, which he conducted in the presence of overwhelming numbers of the enemy, through three months of unexampled suffering and difficulty. Then, Sir, there was another man, not, indeed, belonging to the army, but who was always to be found where fighting was going on—Captain Peel, who has distinguished himself equally at sea and on land, and who was always foremost in battle. I shall also move,—

"That the thanks of this House be given to the other gallant officers of Her Majesty's Army, Navy, and Marines; and, also, of the Hon. East India Company's Service for the intrepidity, the patient endurance, and other high military qualities which have marked their discharge of those arduous duties which they have so successfully performed. That this House doth highly approve and acknowledge the high courage, the devoted loyalty, and the brilliant services of the non-commissioned officers and men of Her Majesty's military and naval forces, of the European troops in the service of the Hon. East India Company, and of the great body of those Native corps throughout India who have remained faithful to their standards; and that the same be signified to them by the commanders of their several corps, who are desired to thank them for their gallant behaviour."

I am happy to say that, even in the Bengal army, some corps have remained faithful to their allegiance; that, in the very town of Lucknow, there were Bengal troops who not only bravely and gallantly co-operated with the European garrison in defending the place, but being within talking distance of the mutineers, and being repeatedly and constantly solicited to be faithless to their oaths, and to join their rebellious countrymen, steadily resisted all the allurements which were held out to them, and resolved to shed the last drop of their blood in conjunction with their European allies. That honourable fact ought to be remembered in justice to a portion, at least, of the Bengal Sepoys. In the Madras army there was hardly any, and in the Bombay army only slight disaffection; and it is, I think, due to those troops—a large portion of our Native army—who have remained faithful to their standards, that their fidelity should be recorded and acknowledged. In addition to these Resolutions, Sir, I would move one of which I have not given notice, but which I trust the House will nevertheless accept, namely:—

"That this House do highly appreciate and cordially approve the courage, self-devotion, and exemplary conduct of those persons who, though not holding military rank, have nevertheless performed valuable military service in defence of the various posts throughout the disturbed districts in India at which they were resident; and that the Governor General be requested to thank those persons for their spirited and patriotic exertions."

We should not be doing justice to those persons, if we did not include them in our thanks. To name them would be impossible, because the reports which we have received would not enable us to do so. There are, however, many of them who have performed heroic actions; there are many who have shown the greatest military capacity, who have resisted superior numbers, not only with courage and perseverance, but also with the greatest possible skill; and, taking a large view of these transactions, we should not do justice to our own feelings, or the feelings of the country, if we did not include them in our Resolutions. With these observations I beg leave to propose the votes of which I have given notice. It must be satisfactory to the people of this country to see that our countrymen, whether they have been brought up to the military or naval profession, or whether their habits have been those of civil life, are always found equal to any circumstances in which they may be placed, to any difficulties by which they may be surrounded, and that their conduct in all emergencies does honour to themselves, and to the country which has given them birth.

The noble Lord concluded by moving the following Resolutions:—

"*Resolved, Nemine Contradicente,* That the Thanks of this House be given to the Right Honourable Viscount Canning, Governor General of the British Possessions in the East Indies; the Right Honourable Lord Harris, Governor of the Presidency of Madras; the Right Honourable Lord Elphinstone, Governor of the Presidency of Bombay; Sir John Laird Mair Lawrence, G.C.B., Chief Commissioner of the Punjaub; and Henry Bartle Edward Frere, Esquire, Commissioner of Scinde, for the energy and ability with which they have employed the resources at their command to suppress the widely-spread mutiny in Her Majesty's Indian Dominions.

"*Resolved, Nemine Contradicente,* That the Thanks of this House be given to His Excellency General Sir Colin Campbell, G.C.B., Commander in Chief in India; Major General Sir James Outram, G.C.B.; Major General Sir Archdale Wilson, Baronet, K.C.B.; and Major General Sir John Eardley Wilmot Inglis, K.C.B., for the eminent skill, courage, and perseverance displayed by them in the achievement of so many and such important triumphs over numerous bodies of the Mutineers.

"*Resolved, Nemine Contradicente,* That the thanks of this House be given to the other gallant Officers of Her Majesty's Army, Navy, and Marines; and also of the Honourable East India Company's Service, for the intrepidity, the patient endurance, and other high military qualities which have marked their discharge of those arduous duties which they have so successfully performed.

"*Resolved, Nemine Contradicente,* That this House doth highly approve and acknowledge the high courage, the devoted loyalty, and the brilliant services of the Non-commissioned Officers and Men of Her Majesty's Military and Naval Forces; of the European Troops in the service of the Honourable East India Company; and of the great body of those Native Corps throughout India who have remained faithful to their Standards; and that the same be signified to them by the Commanders of the several Corps, who are desired to thank them for their gallant behaviour.

"*Resolved, Nemine Contradicente,* That this House doth highly appreciate and cordially approve of the courage, self-devotion, and exemplary conduct of those persons, who, though not holding military rank, have nevertheless performed valuable Military Service in the Field, or in defence of various Posts throughout the disturbed districts in India at which they were resident; and that the Governor General be requested to thank these persons for their spirited and patriotic exertions."

Motion made and Question proposed,—

"That the Thanks of this House be given to the Right Honourable Viscount Canning, Governor General of the British Possessions in the East Indies; the Right Honourable Lord Harris, Governor of the Presidency of Madras; the Right Honourable Lord Elphinstone, Governor of the Presidency of Bombay; Sir John Laird Mair Lawrence, G.C.B., Chief Commissioner of the

Punjaub; and Henry Bartle Edward Frere, Esquire, Commissioner of Scinde, for the energy and ability with which they have employed the resources at their command to suppress the widely spread mutiny in Her Majesty's Indian Dominions."

MR. DISRAELI: Sir, although I believe that no differenee of opinion can possibly prevail among us as to the unprecedented lustre of the actions of our countrymen generally in India, I must still express my regret that, on an occasion like the present, the noble Lord should have, as I think, unnecessarily introduced any elements of controversy. I quite agree with the noble Lord in his view of the conduct of individuals during the last year in India. I do not think there has ever been an instance in which the vigour of personal character has been so remarkably exhibited, and in which individual energy has shone with so much splendour. Indeed, the story is quite epical. The narrative reads like the Homeric poems — every scene produces a hero. In these remarkable events there are two incidents which, by their importance, immediately attract our attention, and it is curious that in these two instances our countrymen were placed in exactly opposite positions. In one they were besiegers, in the other besieged; and in both cases they achieved complete success and gained immortal glory. Between the siege of Delhi and that of Lucknow there was, however, one passage which ought not to be forgotten on this occasion; the connecting link between them, the march of Greathed—worthy, I think, of Cæsar. The noble Lord has very properly reminded us that, on an occasion like the present, when we are expressing the thanks of this House for the heroic efforts of our countrymen in India we ought not to forget those who are departed—those who deserve, but who, unfortunately, cannot receive the tribute of our admiration and our gratitude; and I was glad that he did justice to one who long sat in this House, and who, had he had the opportunity, would, I believe, have proved equal to the occasion. I mean the sagacious and gallant Anson, who, had he lived, would have maintained, I think, the reputation of an illustrious name. The noble Lord has also reminded us that there was a distinguished General who fell before Delhi, but who, before he fell, had the satisfaction of achieving great results for the interests of his Sovereign and of his country — General Barnard. These are the names of men who were prematurely cut off, therefore cannot be included in a Vote of Thanks of this House, but who, had they been spared, might have been inscribed upon that roll of heroes on which we find the names of Nicholson, of Havelock, and of Neill—names which will ever be remembered by the firesides of their country. Lucknow also produced a cluster of illustrious names not inferior to those to whom I have referred. They are contained in one of the votes which will come under our consideration this evening. All remember the charge of Outram, the chivalry of which was not more distinguished than the generous sentiment which placed him in a subordinate position. One of those eminent men whom we shall be called upon to thank to-night, for his gallant conduct in the defence of Lucknow not only excited the interest of all Englishmen, but, owing to peculiar circumstances, created a special sentiment in this House. There were in this House many whose hearts throbbed with sympathy for the beleaguered fortunes of the gallant Inglis, and who will, with peculiar appreciation, join in the vote of approbation of his signal services. The noble Lord has with great happiness described the character of our Commander in Chief. Sir Colin Campbell has, I believe, only one fault—a courage too reckless for his country. An union of personal valour so eminent, with strategy so prudent, has seldom been presented in the history of great military commanders. The noble Lord has also referred, at least in his votes, to the conduct of the other branch of Her Majesty's service, and although it appears somewhat singular that Her Majesty's Navy should take part in a great war in India, still by that happy destiny which in some degree seems to connect the danger and the glory of our country with that eminently national branch of the service, even in this strange war the achievements of our Navy have been most signal and distinguished. Those who remember the early career of Sir W. Peel in the Crimea may not be astonished at his actions in India; but when we read of his bringing heavy artillery across a country through which there were no roads, and presenting it before the countenances of our astonished enemies, who had reckoned upon the absence of such means of attack, one is almost reminded of the character of Sir Sidney Smith, who, half a century ago, won the admiration and gratitude of his coun-

try by his romantic energy. However alarming may have been the course of events during the past year, however troubled and gloomy even may now be our prospects in India, every one must feel that the nation which produces such men is not destined to a declining empire. I wish the noble Lord had permitted us this evening to give an unanimous vote with respect to the heroes, whether officers or privates, to whom we are under such obligations; for it is not merely the officers of the army and navy who have distinguished themselves; there has not only been conduct of general valour, but there have been instances of individual heroism on the part of the common soldiers which cannot be too highly praised. Many of the non-commissioned officers and men have shown an elevation of sentiment and a purity of feeling which I am sure this country will always appreciate. In the moment of their severest trial I can conceive what may have sustained and animated these illustrious men, from the highest general to the rank and file. We know by the confession of many warriors how in the hour of danger they were animated to such determined valour and energy by the thought that they might obtain the approbation of their Sovereign and their country. The favour of their Sovereign and the Thanks of Parliament have armed many a gallant spirit with new courage and fortitude in the moment of peril, and who can conceive what may have been the feelings of a man like General Inglis during his ninety awful days at Lucknow with respect to those influences. We know what it was in the case of the heroic Havelock. Perhaps at the darkest and most trying moment, among other moral rewards, even the vote of the House of Commons may have suggested itself to his mind, and sustained him in the hour of danger. That shows how important it is that we should take care that votes of this kind are not degraded by being unworthily bestowed. Let us not depreciate the value of our thanks by conferring them upon men whose conduct has been little meritorious. When I am told, if I make any observation on the manner in which these votes have been brought forward, that it is the usual form and the usual precedent to name in the same votes persons whose actions are of far different degrees of excellence, I will say that we should beware that we do not make our votes mere votes of form, because, without honouring those who receive them undeservedly, we shall destroy the distinction to those who have been prepared to give their lives, in order to obtain it. Permit me to explain myself distinctly with regard to the first vote which the noble Lord has proposed. Among the noblemen and gentlemen mentioned in that vote there are some respecting whose services there can be no question. The country is grateful to Sir John Lawrence, and recognizes him as a man who has placed himself in the highest position,—as a man who evidently not only possesses great qualities, but knows how to exercise them without regard to personal feeling. So far as we can appreciate the course of events, the conduct of the Governors of the Presidencies of Bombay and Madras may be, and I believe is, deserving of public thanks. So far as I have been able to obtain information, Lord Elphinstone has shown great facility in the discharge of the duties of his high office, and I have always understood that it was owing to him that those troops were obtained from the Cape to which the noble Viscount has referred, though, for what reason I know not, he has given the credit to another individual. Now I am desirous upon this occasion to enter into any controversy with respect to the conduct of Lord Canning. Her Majesty's Ministers were perfectly justified in proposing, if they think his Excellency deserves them, the thanks of this House to Lord Canning; but then I think that upon a subject like that due notice should have been given. It should not have been considered a mere form; it should not have been a surprise. After all we have heard, I think that the friends of Lord Canning, not to speak of his Excellency himself, could not desire that a vote of such a kind should be surreptitiously obtained. I have never brought any charge against Lord Canning, but if the noble Viscount challenges me to-night I must express my opinion, which I am sure is not one influenced by prejudice or passion. There are passages in the conduct of Lord Canning which require great explanation and a vindication which I have not yet heard. I am not prepared to say that a satisfactory explanation cannot be given, or that a triumphant defence may not be made, but I am prepared to say that we ought not to vote these thanks, and Lord Canning ought not to deign to accept them, until we have arrived at the clear conviction that his services are entitled to our approbation. The noble Viscount says no one expected

what he persists in calling the "mutiny" in India. It took everybody by surprise. There are prophets after the event who explain everything, but nobody expected anything to happen at all. Of course that is intended as an excuse for Lord Canning, but I am still of opinion that it is not a *prima facie* proof of excellence in a Governor General that he should be taken by surprise when there is an insurrection. I confess I should like to have upon that subject an explanation far more satisfactory than that given by the noble Viscount. But there are passages of policy in the conduct of the Government of India which demand the most careful investigation before the House can be so unwise as to commit itself to the approbation of measures which afterwards it may find it its duty to impugn. We want information as to the negotiations that took place between the Governor General and the ruler of Nepaul. That is a matter entirely left in mystery. Why were negotiations commenced with the ruler of Nepaul to induce him to pour troops into Oude at a particular moment? Why were they afterwards countermanded, and why were they once more renewed? It is possible that the friends of Lord Canning may be able to explain his conduct in that particular, but surely the subject is one which requires explanation; and before we have thoroughly investigated the facts we cannot prudently pass a vote of thanks to his Excellency. I should also like to know what were the motives which induced Lord Canning to order troops from Rangoon, and then to countermand them? In the conduct of the Administration of India—which, I repeat, may possibly be triumphantly explained and defended—I see inconsistency and incoherency, and to ask us to thank the Governor General for pursuing a policy which appears on the surface to have led to great public disasters seems to me to be most unreasonable and impolitic. The noble Viscount tells us, as one claim for our approbation of the conduct of Lord Canning, that his Excellency has distinguished himself by the manner in which he has forwarded troops up the country. No doubt the noble Viscount is in possesssion of information of the highest kind. He says that newspapers are not to be trusted, and that private letters should not be attended to. What, then, are we, who have no official despatches, but who are obliged to get our information as we can, to do in order to ascertain the facts? I am bound to say that, having given careful attention to that subject, and endeavoured to obtain information from authentic sources, I have all along been under the impression that there was a lamentable deficiency of transport at Calcutta. We have heard of troops arriving there without any preparations having been made for their reception. In the month of November last, we had an official telegram announcing the arrival of troops, and at the same time confessing and deploring that there were no means of forwarding them up the country. The charge against Lord Canning is, that he did not take those steps which were absolutely requisite, and upon which the results of the campaign depended, and that by that neglect we are about to enter into that which I took the liberty at the end of last Session to warn the House was a most dangerous course—a third campaign. We want to know why Lord Canning did not send to Madras for 20,000 bullocks, which might have been obtained? Upon the means of transport depended whether the hostilities in India should be prolonged; and yet, without any inquiry into the conduct of the Governor General in that particular, we are asked to agree to a vote which would prevent us hereafter from impugning or criticising any part of his public policy. There are many other questions of the same kind which ought to be answered satisfactorily before I can give my consent to such a step. For instance, I should like to have had a clear account, before I came to a vote of this kind, of the motives which influenced Lord Canning to adopt the measures which he did with regard to suppressing the English press in India. I am convinced myself, from information which I possess—not from writers of anonymous letters in Calcutta papers—that it was an unnecessary step, and that it has entailed great mischief on our interests. I do not want the House to come to a decision upon that subject upon an occasion like the present, though I believe it is one which requires grave deliberation; but I do say that it is monstrous to ask us of a sudden to come to a vote which precludes us from hereafter ever offering an opinion upon it, or upon all those topics to which, without preparation, I have referred. There are many other topics which, if I had thought the debate would take this course, I might have intimated to the House. It is of the utmost importance,

not that the House should come to any precipitate conclusion, or encourage any prejudice in relation to Lord Canning, but that the House should keep itself perfectly free to give a calm decision whenever occasion offers, and not be estopped from future criticism upon the conduct of an Administration which has had to deal with remarkable events, and has had recourse to extraordinary modes of meeting them. Another subject, which cannot be introduced into a debate of this kind, but which appears to me to require the clearest information, is the relations between the Government of Calcutta and the kingdom of Oude since the rebellion commenced. It has been reported to me, and I believe the information is correct, that since the rebellion commenced in India the most considerable persons in the kingdom of Oude, chiefs of high character, of vast possessions and influence, have been attempting to negotiate with our Government and would have been desirous to assist in a settlement, which, in my opinion, was not only for the advantage of England, but one which the interests of justice demand. I am told that these negotiations were commenced long before the fall of Delhi; that Lord Canning was aware Delhi would fall a considerable period — at least three weeks — before the event took place; and that it was in the power of the Government of India not only to have accomplished the fall of Delhi, but at the same time to have pacified Oude. I give no opinion upon that matter, but it is an important consideration for the House if hereafter, when any hon. Gentleman brings forward the subject, which may be the pivot on which our fortunes in India turn, we are to be precluded discussion, and asked by the Minister, "How can the House entertain this charge against the Governor of India, when it has come to a unanimous Resolution approving the conduct which it is now called upon to impugn and to censure?" I make these observations not to commit the House against Lord Canning. I am not myself committed against Lord Canning. I am perfectly prepared to listen with candour to any defence which is offered to me; only let us have an opportunity of bringing forward the charges in a mature and complete manner, and let the House come to a decision upon them. But do not let the House in this surreptitious manner be precluded from exercising its highest functions. Do not let the House betray the interests of the country, and by passing a Vote of Thanks prevent themselves from visiting with censure those who may be guilty of maladministration, and may be the direct or indirect cause of all the disasters and dangers yet impending. Do not let the House be hurriedly drawn into a course which will shut their mouths for ever. Now, I want to recommend a course to the noble Lord which shall not be invidious to Lord Canning. I want to treat Lord Canning with fairness. I do not take Lord Canning out of the category of eminent or illustrious persons in which the noble Lord places him. No one doubts the services of Sir John Lawrence. No one wishes to question the services of the other individuals whose names are in this first Resolution, besides the Governor General's. What I wish the noble Lord to do is to postpone this first Resolution. It cannot be invidious to Lord Canning. It cannot be unjust to him, because we shall then postpone the vote to all the eminent civilians whom we are called upon to thank to-night. There is nothing offensive or unjust to Lord Canning if we also postpone the vote to Sir John Lawrence, who has probably deserved more than any other man in India, whether soldier, sailor, or civilian. Therefore, I say, let us agree to-night in a unanimous Vote of Thanks to the army and navy, to the troops of the Company, and all who are included in the 2nd, 3rd, 4th, and 5th Resolutions. Let us offer no opinion whatever upon the first. Let the noble Lord postpone that, and give due notice hereafter of his intention to bring it forward; and if we then pass a Vote of Thanks to the Governor General, let it be in a manner gratifying to him. Do not let the mail go out and tell him, "Well, we have smuggled a Vote of Thanks to you through Parliament." Will that reward him, and will that sustain him in his labours? Will that add to his moral influence in Calcutta? No! There is not an hon. Gentleman in this House but must feel that a Vote of Thanks under these circumstances is worse than nothing. It excites the passions of party, and, instead of Lord Canning being held forth as a statesman who has deserved well of his country, an impression will go about that he is used as a stalking-horse, and that for factious purposes the vote has been bestowed. Let the noble Lord withdraw this vote. Let him give fair notice of his intention to bring it forward on a future occasion. Let

us have the conduct of Lord Canning fully and fairly discussed, and if the charges brought against him are satisfactorily met and explained in a manner which will carry conviction to a candid mind, I will be the first person to vote unqualified approbation of his conduct. The noble Lord must permit me also to say that it is notorious a memorial has been sent to this country, very numerously signed, against Lord Canning. I will not give the slightest opinion as to the merits of that document; but that document had it not been for an informality, would have been lying on our table, and if it had been lying on our table it would have been the subject of discussion, and if it had contained charges which were unjust those charges would have been refuted by her Majesty's Ministers. Why is not that document on our table—a document, as my right hon. Friend reminds me, signed by more than 2,000 of the most considerable Europeans in Calcutta, praying for the recall of Lord Canning? I do not in any way connect myself with the charges contained in that memorial, but they are grave charges, coming from persons of character and influence. That document ought to be on our table, and had it been, the truth would have been established in discussion. It is not on our table through a quibble. The document praying for the recall of Lord Canning was forwarded to Her Majesty's Ministers for presentation to Her Majesty. By a rule of etiquette no document can arrive in this country in a perfectly orthodox manner unless it is transmitted by the Governor General himself. It was, of course, a matter of gentleman-like delicacy not to intrust a memorial praying for his recall to the Governor General; yet in these days, when empires are in danger and when one would suppose that the spirit of routine might be a little modified, I understand the memorial was sent back to Calcutta in order that it might be returned to England by the Governor General himself. Our fellow-countrymen in Calcutta have not the advantage of what is called representative government. Some of them want representative government. I give no opinion to-night upon that point. But if any of our countrymen residing at a great distance have grievances to allege against their governors, and have no other means of bringing those grievances before the notice of persons in authority than memorials to the Sovereign or petitions to Parliament, I think if we avail ourselves of an informality to prevent the subject of these complaints being before us, and at the same time vote thanks and approbation to the Governor whose conduct is impugned, we go a great way to make them dissatisfied with the home Government. I hope the noble Lord will not put me in the painful position of making a hostile Motion to-night, but will yield to my suggestion and postpone his first Resolution. But in case the noble Lord does not do that, I shall feel it my duty to move the previous question.

VISCOUNT PALMERSTON intimated that he would not postpone the Resolution.

MR. DISRAELI: Then I move the Previous Question.

Previous Question proposed, That that Question be now put.

MR. LABOUCHERE said, he could not help thinking that the right hon. Gentleman who had just addressed the House had done as much as any person could do by a speech to divert the House from the real issue before it, and to place the question in a false light. Anybody would suppose, from the remarks of the right hon. Gentleman, that it was the intention of Her Majesty's Government to ask the House, by concurring in this vote, to pass a general vote of approbation upon the whole Indian administration and the policy of the Governor General of India. Had any such intention existed, he would admit with the right hon. Gentleman that not only would it have taken the House by surprise, but it would have been most improper for the Government to have mixed up with the expression of their approbation of the successful exertions of their soldiers what was a totally distinct question—the civil policy of the administration under which the Government had been conducted. But that was not the case. If the right hon. Gentleman looked at the terms of the Motion, he would see that, so far from the Motion approving of the conduct of Lord Canning with regard to the civil policy which he had pursued—his policy with regard to the press—the Arms Act; with regard to Oude and other questions on which great diversity of opinion might reasonably exist—it addressed itself simply to the one single point of the manner in which military operations had been conducted, and Lord Canning was in no way connected with it except so far as in his capacity of Governor General he had directed and superintended those opera-

tions. The right hon. Gentleman said something about the House having been taken by surprise. He (Mr. Labouchere) knew that in that House that was always a popular cry; there is nothing of which this House is so jealous, and so reasonably jealous, as an attempt at surprise; but anybody who had watched the course of proceedings in that House, and had referred to precedents, could tell them that the House would have been taken far more by surprise if the name of the Governor General had been omitted upon the present occasion. In every former occasion upon which Votes of Thanks had been given by the House for military operations in any part of Her Majesty's dominions, the names of the distinguished civilians under whose Government those operations had been achieved had been invariably mentioned, and coupled with the names of those by whom those operations had been performed. If the assertion was any comfort to the right hon. Gentleman, he would inform him that Her Majesty's Government would hold no Member of the House precluded in any future discussion from arraigning, blaming, or, if needs be, from moving a Vote of Censure for any political or civil act of the Governor General or the Government of India which was not connected immediately with the military operations of the country which were now the subject of approbation. If the name of Lord Canning and the other civilians were left out, it would imply censure upon the part of the House; their being mentioned was merely in accordance with the usual practice, and no special reason had been shown why they should depart from it upon this occasion. But beyond this he had no hesitation in saying, that with regard to the general policy of the administration of Lord Canning the Government were perfectly willing to defend it, and had no wish whatever to avoid any suitable occasion of discussing his acts with those who wished to arraign them. What he contended was, that the present was not the proper time for such a discussion, for it had reference entirely to the manner in which the military force of that country had been conducted and managed; and when they remembered the circumstances under which Lord Canning was placed — recollecting the surprise with which so tremendous a calamity had fallen upon them, how wide-spread the Indian mutiny was— and what a most inadequate supply of troops Lord Canning had at his immediate disposal—when they witnessed his wisdom, the calm courage with which he encountered danger, and the admirable tact evinced by him in applying the forces at his command so as to meet and overcome the dangers by which he was surrounded, he thought that no just man, who had watched the current of events in India, would consider it right for the House to pass such a slight upon Lord Canning as would be implied in the omission of his name from a vote of thanks for military operations, in which it was always customary to include civilians who had conducted the affairs of the country where such operations had taken place. It was very well for them to talk at their ease in this country of this thing and the other thing that ought to have been done, but he considered that no human being had ever been placed in a situation of greater responsibility than Lord Canning was at the breaking out of the mutiny. The noble Lord went out to India with his mind filled with the desire and intention of carrying out peaceful reforms, extending civilisation and advancing the material improvement of the country intrusted to his charge. Scarcely had he been there a year when this terrible storm broke upon his head, and he had dealt with it in a manner which had inspired all around him with confidence and courage. When all the circumstances attending this frightful mutiny came to be inquired into, the people of England, who were always just and generous to their public men, would see that full justice was done to Lord Canning, and he (Mr. Labouchere) believed that in the end the result would be that the country would feel that they owed a deep debt of gratitude to that noble Lord, for the able manner in which he had conducted its affairs at so terrible a crisis. But this was not the time for a discussion of this kind. He asked the House for no general vote of approval for Lord Canning on this occasion, but he implored them not to depart from the ancient and recognised course taken by them; but he asked the House, that when they were about (as he was sure they were) to express unanimously, in the name of their country, their cordial approbation of those gallant soldiers who, under so many perils and difficulties, had displayed qualities which had not only served the interests of their country, but had inscribed another page of imperishable glory on the annals of history, they would not forget the past services conferred by Lord Canning in superintending and directing

those efforts, and that they would not do anything which could be even misinterpreted so as to cast a stain upon Lord Canning's name. The right hon. Gentleman the Member for Buckinghamshire had certainly surprised and entertained him, when he said that nothing could be fairer or less liable to misconstruction than a course which he recommended. There was, said he, the case of Sir John Lawrence, a man whom they all delighted to honour, and he (Mr. Labouchere) agreed with the right hon. Gentleman that they could hardly mention another man to whom the country was so much indebted; it was hardly possible to say what might have occurred if Sir John Lawrence, by his consummate policy, firmness, and indomitable civil courage—a quality rarer and not less precious than military courage—had not met and overcome the innumerable difficulties in the manner which has rendered his name famous. There was no knowing what turn affairs might not have taken in India had not Sir John Lawrence displayed such talents. But what did the right hon. Gentleman suggest? Why, that they should postpone the Vote of Thanks to him in order that in consequence of so great an act of injustice being done to him, no other man could complain of being left out of the vote. He hoped the House would not deal with the question in this spirit—would not listen for a moment to such a suggestion, for its adoption would, indeed, be to make a solemn vote of approbation by that House, which he considered the highest honour England could bestow, or to which an Englishman could look forward, a mere mockery and delusion. No, let them pursue the course invariably adopted on great occasions like the present; let them vote thanks to those brave men who had sustained the interests and the honour of the country in the late calamitous circumstances of India, and reject a suggestion in support of which no argument had been offered; let them include in the same Vote of Thanks not only those who had fought their battles, but those who had directed those operations with an energy and skill to which no small part of the successes with which they had been attended was attributable. He did not say this because he entertained a doubt that the civil policy of Lord Canning would not bear investigation. He believed that Lord Canning had been made the victim of as much misrepresentation and the object of as many acrimonious attacks as any man alive. He was a man of a sensitive disposition, and felt these attacks deeply, but at the same time he had been supported under them by the conscientiousness that he had done his duty; and when his country calmly investigated the whole matter, and had before them all the information upon which the attacks and the defence were made, they would do him justice. He would only mention one circumstance to show the groundless nature of some of those attacks. His noble Friend has touched upon one class of the calumnies which have been freely circulated in this country—that he was anxious to thwart Sir Colin Campbell with respect to the policy to be pursued in the conduct of military operations. My noble Friend said that mere assertions were not only false, but ridiculously false, absurdly false. He (Mr. Labouchere) happened to have several letters of Sir Colin Campbell, not written with any expectation that they would be published or shown to any one, in which Sir Colin Campbell spoke in terms of the highest admiration and deepest affection of Lord Canning, stating that nothing could be more satisfactory than the manner in which they worked together. He spoke also of his many admirable qualities as a man of business, of his character for honour, and what was more marked than anything else, of the calm deliberate courage which he had shown on the occasion of the calamitous outbreak, the result of which they were now suffering. His (Mr. Labouchere's) object in rising was to implore the House not to believe what the right hon. Gentleman had attempted to persuade them was the fact, that by passing this vote they were precluding themselves from considering on some future occasion the whole policy of Lord Canning. The present vote implied no such general approbation as that, and the time would come when the House would be called upon to express their opinion upon it, and when it would be brought before them upon perfectly distinct grounds.

SIR JOHN PAKINGTON: Sir, I deeply regret to learn from the right hon. Gentleman's speech that the noble Lord will not accept the suggestion which has been made by my right hon. Friend with so much moderation. I deeply regret the course which he has taken because, since I have had the honour of a seat in Parliament I do not remember any circumstances more painful than those in which the House is now placed by that refusal. The right

hon. Gentleman has just told us that this vote does not involve approbation of Lord Canning's conduct. What, then, is the meaning of the language employed in the Motion before us? What are we asked to thank Lord Canning for? The Motion says, "for the energy and ability with which he has employed the resources at his command for the suppression of the rebellion." Is not that approbation of Lord Canning? In the absence of any proof to the contrary I am sorry to say that I am irresistibly brought to the conclusion that, instead of Lord Canning's conduct being marked with energy and ability, it has been marked with great vacillation, great indecision, and a great want of that statesmanlike capacity which was requisite for the discharge of his duties. I don't for a moment doubt that Lord Canning has acted for the best. I don't for a moment deny that he has been placed in a position of extreme difficulty; and I think that great allowances ought to be made for the unexpected emergency in which he found himself involved; but I submit to the House that Votes of Thanks ought not to be lightly complimented away. The thanks of Parliament are one of the greatest honours that can be conferred upon any Englishman, and it is the duty of the House to take care that they are not voted except in cases where there can be no doubt whatever that they are well deserved. I am sure I need not state that my mind is free from anything like prejudice against Lord Canning. So far from it, if I have any wish with regard to Lord Canning, it is, that as a public man he should prove a good title to the name of his great and distinguished father. As I have already said, I hardly recollect anything so painful occurring in this House as the necessity under which we now find ourselves of taking exception to the course proposed by the Government; and I submit that that course is not fair to this House, and that it is not fair to Lord Canning. Why did not the noble Lord, last Thursday, when he gave his notice, tell us fairly and honestly what his Motion would be? Why did he not tell us that the first Vote of to-night would be one of thanks to the Governor General? I think, Sir, that we have great reason to complain of the course which the Government have taken in thus attempting to obtain by surprise a vote of this nature. Was the omission accidental? I can't help strongly suspecting that the noble Lord withheld the announcement of a Vote of Thanks to the Governor General because he felt that it was doubtful how far it would be well received in this House, and that it would be better to keep it back till the latest moment. But this is not all. Let me remind the House and the Government of the extraordinary circumstances under which they ask for this Vote of Thanks. My right hon. Friend has referred to a memorial which was sent from Calcutta to the Queen, praying for the recall of Lord Canning. I think that those who have read that memorial will feel that, if the allegations it contains are true, Lord Canning ought to be recalled instead of being thanked. Before the holidays I asked the noble Lord opposite whether that memorial was to be placed on the table of the House, and the answer that I received was that, for the reasons which have been stated by my right hon. Friend, it was necessary, not merely as a matter of form, but as a matter also of fairness and of justice, before it was produced, that it should be sent to Calcutta for the answer of Lord Canning. I could take no exception to the perfect propriety of that course; but we have not yet seen that answer, and the noble Lord now asks the House to pass a Vote of Thanks and approbation of the conduct of Lord Canning at a moment when a serious document of that kind, desiring his recall, has been referred back to Calcutta, and we have not seen what the answer of Lord Canning is. I understood the noble Lord on a former occasion to say that the answer had been received. [Mr. VERNON SMITH: We are awaiting it.] Then that only makes the case the stronger. At all events, we have not yet seen the answer which has been received from Lord Canning to the serious allegations contained in the Calcutta memorial. The noble Lord says that the conduct of Lord Canning has been judicious, and that he has done all that he possibly could to apply the resources at his command to the repression of the rebellion in India. I am sorry to say—if we are to believe the allegations in the document referred to—that the instances are most numerous in which Lord Canning has shown the greatest vacillation and the utmost infirmity of purpose. I must impress upon the House that it is very difficult to arrive at anything like a fair opinion on this question without bearing the dates in mind. On the 10th of May occurred the massacre at Meerut. On the 11th of May, Delhi was captured by the rebels. On the 19th, the revolt took place at Lucknow. On the

21st of May a loyal deputation went up to Lord Canning offering their services as volunteers in Calcutta. The answer of Lord Canning was a decided refusal of their offer, accompanied by a rebuke for the imputations which they were throwing out against the loyalty of the Bengal army. On the 25th of May another offer was made by, I believe, the whole of the European residents in Calcutta to enlist as volunteers, in order that Lord Canning might be enabled to send up every available soldier to the disturbed province. Again Lord Canning refused their offer in an abrupt and offensive manner, telling those gentlemen that the "partial disturbance was nearly quelled." But that was not all. Those offers were made to Lord Canning on the 21st and 25th of May, and on the 19th—two days before he rebuked the loyal inhabitants of Calcutta for having thrown imputations upon the loyalty of the Bengal army—Lord Canning had written home to the Court of Directors speaking of the alarming events which had just taken place at Meerut and Delhi, and alluding to the dangerous state of the whole of the Native army in Bengal. I do not for a moment contend that it was Lord Canning's duty to hold the same language to those deputations which he held in his correspondence with the Court of Directors; but it is clear that on the 19th of May, Lord Canning was aware of the disaffection of the Bengal army, and I say that the answer which he gave to those deputations was most improper and injudicious under the circumstances, and that it was hardly worthy of Lord Canning, considering the statement which he had just sent home to England. On the 12th of June, Lord Canning was obliged to accept the offer of those loyal inhabitants of Calcutta to perform those services which a fortnight before he had rejected offensively and contumeliously. But there is another and more serious instance of vacillation on the part of Lord Canning. I allude to his conduct with regard to Nepaul; and here again I must entreat the House to bear the dates in mind. Delhi was captured by the rebels on the 11th of May. No sooner was that fact made known to the Government of Nepaul than an offer was made to Lord Canning by Jung Bahadoor of a large force of Ghoorkas. Lord Canning accepted the offer and the Ghoorkas marched, so that by the end of May they were nearly at Lucknow. On the 22nd of June the first massacre at Cawnpore took place, and it was about the middle of July that those horrible events occurred which will be associated in history with the "well of Cawnpore." Now, what was the conduct of the Governor General of India? At the end of May, when the Ghoorka force had actually marched and had nearly arrived at Lucknow, Lord Canning changed his mind and sent word to the Government of Nepaul that he would not keep their contingent. Those forces were accordingly marched back into Nepaul, and afterwards, when it was too late, Lord Canning changed his mind again and was obliged to entreat the Government of Nepaul to send back the soldiers. If these things are not true let them be disproved. I have no wish to be harsh on Lord Canning, and I adopt every word that was so well and judiciously said by my right hon. Friend with respect to him. I shall be thankful to be persuaded that these accusations against Lord Canning are not deserved; but I say, if they are true, that we cannot resist the conviction that on the vacillation of the Governor General at Calcutta must rest the blame of all those unhappy events at Cawnpore and Lucknow. If that Ghoorka force which was offered by the Nepaul Government and absolutely sent down to Lucknow at the end of May, had been allowed to stay where it was, and had not been most rashly and imprudently sent back to Nepaul, there is every reason to believe that what subsequently took place at Lucknow and Cawnpore might have been averted. [Mr. VERNON SMITH dissented.] I shall heartily rejoice if the right hon. Gentleman can disprove that; but what I complain of is the proposal to pass a Vote of Thanks to the Governor General pending these accusations, and while the British public, who are not in possession of official information, are under the impression of their correctness. It may be a false impression—then disprove it; but are you prudent, are you even fair to Lord Canning in asking for a Vote of Thanks and approbation while the British public entertain that impression, right or wrong? But even this is not all. Let me remind you of what took place at Dinapore in July. Remonstrances after remonstrances, both public and private, were addressed to Lord Canning, warning him that the regiments at Dinapore must be disarmed. At last the public patience was exhausted. The usual mode of communicating with the

Government was found to be ineffectual, and a deputation of influential merchants requested an audience of the noble Lord, and pressed upon him the absolute necessity of disarming the Native troops of Dinapore. They were treated as the volunteers had been treated; their advice was rejected; the Dinapore regiments were not disarmed, and not a week elapsed before a revolt occurred, and the horrible scenes of Arrah were enacted. Allow me to refer to the case of Allahabad. Allahabad is the most important station in a military point of view in India. Allahabad stands, as hon. Gentlemen are well aware, upon the junction of the Jumna and the Ganges. It was all-important to us as a military position. If we had lost Allahabad we must have lost all the Upper Provinces, and the gallantry of our troops would have been utterly unable to avert the greatest calamities. In what spirit did Lord Canning deal with Allahabad? At the time of the outbreak at Meerut, Delhi, and Lucknow, there was not an European soldier at Allahabad. Remonstrances were made. The press was not gagged at that time. The press cried out. On the 23rd of May, and not before, sixty-five European invalids arrived at Allahabad, and I believe that among the many providential circumstances connected with these events, for which this nation has to be thankful beyond what we have language to express, there has been nothing more providential than that we did not lose that important station. I will not go further. My right hon. Friend near me has adverted to what I have no hesitation in saying we regard as the most questionable act of Lord Canning—namely, his suppression of the English newspapers. That Lord Canning was right in suppressing the Native papers I am not disposed to question; but I think that Lord Canning was ill-advised in drawing no distinction between the European and the Native press. I am perfectly ready to give every consideration to what Lord Canning's friends urge in his behalf on that subject; but the only grounds upon which we can found our judgment are the papers which Government have laid on the table, and I must say that those papers do not exculpate him in my mind. On what does he rest his policy with regard to the press in India? Why, upon language held by Sir Charles Metcalfe, to the effect that invidious distinctions ought not to be made between the European and the Native press in India. But that was a general proposition made in a time of peace and tranquillity, and would hardly bear the inference drawn from it by Lord Canning, that such a distinction was also impolitic in a time of rebellion. I believe that Lord Canning was unable to vindicate the policy he had adopted, not that he had any reason whatever to complain of the spirit in which the English press was conducted. Entertaining these feelings, it is impossible for me, however painful the avowal, to concur in a Vote of Thanks to Lord Canning. I beg the House and Her Majesty's Ministers to remember that, although these charges against Lord Canning have been before the public for a considerable time, we on this side of the House have made no attack upon Lord Canning. We have acted with the greatest moderation. As my right hon. Friend has said, we were willing to incur risks rather than take a course which, so long as Lord Canning enjoyed the confidence of Her Majesty, and Her Majesty was advised by hon. Gentlemen opposite to retain Lord Canning as Governor General, might have the appearance of embarrassing the Government of India in such a crisis. But when the noble Lord at the head of the Government comes down to the House to propose a Vote of Thanks to Lord Canning, it is impossible for us not to resist such a proposition. We have but one course to take. For my own part, I take that course with the greatest pain; but until the imputations on the wisdom and judgment of Lord Canning are removed it is impossible for me to concur in the vote of approbation of the policy of that noble Lord.

Mr. MANGLES said, that he had hoped he should have been able to give a silent vote on this Motion. He thought that when the House was called upon to acknowledge the debt of gratitude which was due to our gallant soldiers such a vote would have been unanimously passed. Nor did he know any reason why those who had rendered great services, although filling a civil office, should be omitted, especially considering their great exertions during this remarkable contest. A great deal of hostility which had found vent in language had been manifested with regard to Lord Canning, and he knew no man who deserved it so little. He could not sit still and hear the conduct of Lord Canning condemned as it had been, under a certain appearance of candour, by the right hon.

Gentleman the Member for Buckinghamshire (Mr. Disraeli). That right hon. Gentleman had used the remarkable expression that the Votes of the House would be degraded if this Resolution were passed.

MR. DISRAELI: Allow me, Sir, to inform the hon. Gentleman that he has entirely misinterpreted what I said. I said that if the Votes of the House ever became treated as mere forms, they would be degraded. I did not refer to this particular case.

MR. MANGLES, after that explanation, would not pursue that branch of the subject further; but he desired to bear his humble testimony to the remarkable degree of foresight and vigour that Lord Canning's measures for the suppression of the mutiny had evinced. He had manifested the greatest coolness in a great emergency, in a crisis unparalleled in the history of the empire. From the very commencement of the outbreak Lord Canning set himself to use every means in his power to get troops from Ceylon, Burmah, the Cape of Good Hope, and other places. The right hon. Gentleman (Mr. Disraeli) stated that the troops which had been sent for had been countermanded. The fact was that no such transaction took place at all. The foundation for it was a statement in the Calcutta press, but it arose out of a transaction which was utterly different. The charge made was, that troops were ordered from Rangoon, and that the steamer which brought them was under orders to take them back. That was the charge. He did not believe it was true, but such as it was, it was entirely different from that which had been advanced by the right hon. Gentleman. Then, again, the right hon. Baronet the Member for Droitwich (Sir John Pakington) had repeated certain charges against Lord Canning, and he had called particular attention to dates. He (Mr. Mangles) accepted the right hon. Baronet's challenge, and he could do so with the most perfect impunity, considering that in respect to the particular transactions alluded to the right hon. Baronet was wrong in every one of the dates, for he stated the transactions took place in the month of May, when, in point of fact, they took place in the month of June. [SIR J. PAKINGTON: What transactions?] The transactions which took place with respect to the troops from Nepaul. The right hon. Baronet stated that in the early part of June the troops from Nepaul had nearly reached Lucknow—the fact was that they had not left the territory of Nepaul when the Governor General wrote declining the offer. Between the 13th and 19th of June the Governor General received intelligence that Sir Henry Lawrence was blockaded at Lucknow, and that assistance was required. Then it was that the Governor General wrote to Nepaul for the troops, having received in the meantime information which was not in his possession before, and consequently he thought it right to accept the offer made. But in that case the difference in the dates was not the only misstatement of the right hon. Baronet, who was so precise as to the matter. He said that the Government first wrote and asked for troops, and then declined them.

SIR J. PAKINGTON: I can assure the hon. Gentleman that I am very glad if he is in a position to correct those statements. I have had no official information, only the general knowledge that others might have had. Still my statement was not that the Governor General had written and asked for troops, but that he had accepted the offer made by the Government of Nepaul, and that after the troops had moved near to Lucknow they were sent back again and then subsequently recalled.

MR. MANGLES: But such was not the case. The fact was, a letter dated the 10th was received from the Resident at Nepaul, stating that the Goverement had made the offer, and the Governor General wrote on the 13th, declining it. No blame could be laid to him for that. Really, it appeared that such a taste seemed to have been created for charges against the Governor General that, if the public could have swallowed them, it might not only have led them to believe that the Governor General was a most inefficient man, but was actually a traitor to his country. All the stories mentioned that night as reflecting upon the character of Lord Canning had been concocted in Calcutta, and he would give the House another instance, in order to show their nature, and the amount of reliance which may be placed upon them. It was stated in a Native Calcutta newspaper, and the statement had found its way into the English press, that two men had been detected at Fort William hauling down the Queen's flag and hoisting a green one, which was to be the signal to 13,000 "nice young fellows"—that was the expression of the paper—to march on the fort, and that such was the irresolution and weakness of Lord

Canning, that nothing but the appearance of mutiny in the European troops could induce him to allow the sentence of death, which had been passed on the detected persons, to be executed, and two men, added the correspondent, were executed accordingly that morning. Now, what was the explanation of this affair? Would the House believe that the whole foundation on which it rested was this — that one evening when the sun had just gone down information was given by a sentry that some person had been pulling down the standard from the walls. On the matter, however, being inquired into, the report was found to be utterly untrue, for the standard remained in its usual place; and yet, on this slight foundation, the story to which he had referred had been trumped up about the matter, and it was said that two men were executed on account of it on the following morning. This was a fair specimen of the stories which had been current at Calcutta. He was sorry to say that on the part of a portion of the inhabitants of that city—and it was but a portion, much injustice had been shown towards Lord Canning at a time when this great public functionary had to encounter unparalleled difficulties. This hostile feeling towards Lord Canning arose from the animosity of the press in consequence of the Governor General finding himself compelled to put a certain check on it. No man was more attached to the liberty of the press than he (Mr. Mangles) was; nevertheless, he considered it impossible for Lord Canning to have taken any other course with a view to the future security of India than to interdict the mischievous and lying writings of many of those papers in India. For when in Calcutta there was one paper telling the whole Native population that it was intended to trample them under foot, and another which designated certain persons, such as the Maharajah of Gwalior or the Nawab of Moorshedabad, who had remained constant to the British rule, as traitors, surely it was high time to put some constraint upon men who showed themselves so devoid of prudence and moderation. It had been stated that Sir Colin Campbell had had differences with Lord Canning, but there were many hon. Gentlemen in the House who had seen Sir Colin's letters, and he would appeal to them to say in what manner Sir Colin always spoke of the Governor General. One matter spoke volumes in praise of Lord Canning. The country leading to Cawnpore had been only partially in our hands; while that between Cawnpore and Lucknow had been in the hands of the enemy; but he would appeal to the House whether they had ever seen a single complaint with regard to the commissariat supplies furnished to the troops who marched to the relief of the Residency? Even to him (Mr. Mangles), who was acquainted with the Indian commissariat, it was perfectly marvellous to think how complete the arrangements must have been, to enable the relieving columns to move with such rapidity. He would challenge any hon. Member to point out a single complaint which had found its way into the papers to the effect that the troops were brought to a stand for want of means of transport, or were distressed by the absence of supplies or provisions. Was there no reason in this for voting thanks to Lord Canning? He said nothing about Delhi, because he knew the credit of the commissariat supplies for that place was due to that great man, Sir John Lawrence; but Sir John Lawrence had done no more for the troops before Delhi than the Governor General had done for those at Cawnpore and Lucknow. He hoped the House, therefore, would not listen to the recommendation of the right hon. Gentleman opposite, and withhold their thanks from Lord Canning. He (Mr. Mangles) believed—and of course he had seen more of the papers than perhaps any other man—that, in spite of all the aspersions which had been cast upon the noble Lord, there was no one more honourably or more eminently entitled to the thanks of the House for the great judgment and energy which he had displayed. He (Mr. Mangles) trusted he might be allowed to take this opportunity of explaining an expression which he had made use of in another place, and which he found had given pain to a lady to whom he would not for the world have willingly caused a moment's uneasiness. He had said that when General Wilson assumed the command before Delhi he adopted a different system of tactics than that previously pursued—a system which spared the troops more. That remark, he regretted to learn, had been interpreted by a near connection of General Barnard as intended to disparage the conduct of that distinguished commander. Nothing, however, could have been further from his thoughts than to presume to criticise the military conduct of General Barnard. He had no doubt that General

Barnard acted rightly, and he took this most public opportunity of disclaiming any intention to disparage his conduct. With regard to the valour shown by both the Queen's and the Company's troops there could not be two opinions; but, having been in the country, there was one thing that appeared to him even more surprising than the courage they had shown when before the enemy—he meant their endurance under what Lord Macaulay had once called "that terrible sun." With regard to the civil servants, perhaps the House would allow him to say he felt heartily glad to find that the noble Viscount had thought right to introduce them into the vote. There were men amongst them, who, though not soldiers by profession, had nevertheless proved that they could fight as bravely as the rest. Not the least wonderful thing in this year of wonders had been the fidelity of the Sikhs. In that little siege of Arrah, the garrison consisted of forty or fifty Sikh soldiers, and when the enormous body of mutineers who were attacking the place found that they were unable to obtain an entrance by force, they adopted every means they could think of to win them over. They called to them that every man should have fifty pounds if they would come out; but the only answer they received was, "come a little nearer, we can't hear you." They went nearer, and the gallant Sikhs instantly shot them down. It would perhaps scarcely be credited, but the Native commanding officer had upon him six or eight wounds, which he had received from the English in the Sikh war. He (Mr. Mangles) hoped the House would reject the Amendment and agree to the Motion.

COLONEL SYKES said, he should be sorry to give a silent vote upon this occasion, although the House seemed unanimous except in the case of the Governor General. He (Colonel Sykes) had not had the same means of judging of Lord Canning's conduct as the hon. Member for Guildford (Mr. Mangles) had, but he enjoyed some means not accessible to other hon. Members, and he felt sure the Governor General deserved the thanks of the country for the great services he had performed. It was his firm conviction that Lord Canning, placed as he was, in a perilous position, and surrounded by a factious European population which ought to have been his support, had acted with a judgment, a perseverance, a fertility of resource, and a humanity befitting a Christian gentleman, which did him the highest possible honour. To give the House some idea of the difficulties that the Governor General had to encounter from some portion at least of the European population which he had to manage, he would read an extract or two from a Parliamentary paper which had been laid on the table so recently that hon. Gentlemen might not have had an opportunity of perusing it. The first extract was from an unofficial letter, dated Allahabad, 6th of July, 1857, and was as follows:—

"——had adopted a policy of burning villages, which is, in my opinion, the most suicidal and mischievous that can be devised; it prevents the possibility of order being restored; the aged, women, and children are sacrificed, as well as those guilty of rebellion. Cultivation is impossible; a famine is consequently almost certain. The sternest measures are doubtless necessary, and every possible endeavour should be made to apprehend and punish those actually engaged in plunder or rebellion, but here there seems to be no discrimination. A railway officer, whose report you will probably see, did excellent service, and seems to have behaved very gallantly when sent with a small guard to restore the railway where it might have been injured; but, in accordance with the custom, as he met with opposition from some plunderers and mutineers, he burnt ten villages, which he found deserted. The trunk road now passes through a desert; the inhabitants have fled to a distance of four or five miles; and it seems to me to be obviously the proper policy to encourage all peaceable persons to return, not to destroy the villages and render the return of the people impossible. Some five persons have been invested with the powers of life and death in the station of Allahabad; each sits separately, and there are also courts-martial in the fort. You will do the State service if you can check the indiscriminate burning of villages, and secure the hanging of the influential offenders instead of those who cannot pay the police for their safety."

His next extract was from an unofficial letter, dated Benares, 13th of July, 1857, which stated:—

"I have had in many of the principal men of Dobee, against whom the first attack was made, and they are all willing to keep quiet now. I hope the same of the Dugaon men, who helped them on their march into Benares. It is quite against my feelings and policy to have any bloodshed which can possibly be avoided. —— is much more severe; the young men of course require to be kept in. Mr. ——, a daring and unscrupulous partisan, requires a great deal to be kept in."

This last extract he would quote was from an unofficial letter, dated Allahabad, 22nd of July, 1857, viz.:—

"The true version of the story alluded to in your letter of the 17th inst. is this: there is one, and only one, zemindar in this neighbourhood who behaved well to us during the disturbances here, namely, Mohummud Takee, of Mundoolee. This man saved the lives of several Christians, and re-

ceived certificates to that effect from Colonel Neill and myself. On the 22nd of June, Mohummud Takee came to my cutchery, and complained that a Mr. ——, a railway *employé*, had entered his village with armed followers and driven away his flock of goats. I immediately went to Mr. ——'s house, Mohummud Takee accompanying me, and asked if the complaint was true; Mr. —— admitted the act, and the goats were produced and made over to Mohummud Takee in my presence. I remonstrated with Mr.——, and told him we could never hope to restore order if Europeans continued to plunder the people. He justified his act. Mohummud Takee appealed to me for protection in future. I told him I could give him no material protection, adding, however (and particularly explaining the addition to Mr.——), that if Mr.—— came again into his village with armed men to plunder, that he (Mohummud Takee) would be perfectly justified in treating all such men as common dacoits and robbers; that he might resist such plunderers to the death. Mr. —— never plundered in that village again. You have no conception of the dangers and difficulties created by lawless and reckless Europeans here. One of them cocked his pistol at Captain Brasyer in the fort; the ruffian was as likely as not to have pulled the trigger, and in that case, as Captain Brasyer himself observed to me, his Sikhs would have slain every European in the fort. This was before Colonel Neill took the command; if it had happened in his time the probability is that the offender would have been tried and hanged."

With such a feeling on the part of Europeans who were not under control, hon. Gentlemen would see the extreme difficulties with which the Government had to contend. When men of this kind were called to account they brought every species of accusation against the person who reprehended their conduct, whether he was their immediate superior or the Governor General. It was, therefore, easy to account for the innumerable tales told about Lord Canning in Calcutta, and which were about as credible as the details of the mutilation of the poor ladies who were reported to have come down the Ganges in steamers, and to have been conveyed home in the Peninsular and Oriental Steam Company's vessels, when it was well known that not one had ever been seen on board of those vessels. As to the memorial of the inhabitants of Calcutta not having been taken up here, what would any hon. Gentleman think if an accusation made indirectly against him were determined upon by an authority remote from the locality and without affording him the means of making his defence? The meanest ryot in India had the power of memorializing the home authorities; but his petition must go through the Governor General, that it might be accompanied by a proper explanation. He could not sit down without expressing his opinion that public gratitude was due to Lord Elphinstone for the resolution of purpose and sound judgment with which, when peace with Persia had been signed, he took upon himself the responsibility of withdrawing two regiments from Persia which would otherwise have been exposed to the dangers of the intense coming heat. The effect of this measure was that these two regiments were most opportunely in Bombay harbour when troops were telegraphed for from the opposite extremity of India. His conduct in sending troops contrary to the usual practice during the monsoon by sea to Vingorla, in order to prevent sedition in the Southern Mahratta country, where there were only 100 Europeans in a district half as large as England, was deserving of the highest praise, and had been attended with the best results, as it enabled Major General Lester to punish traitors, and keep the country quiet. He begged to be allowed to correct an error which had appeared in the papers, by stating that the powder-bag party which blew up the Cashmere gate at Delhi was led by Lieutenant Home, Lieutenant Salkeld, his junior officer, having been associated with him in the perilous enterprise. It was to be regretted that the forms of the House did not admit of the mention of the names of many officers who had performed important services in the preservation of order in the southern Mahratta country, at Hyderabad, and other parts of the Deccan. He further wished to say that he cordially concurred in the honourable mention made of the civil servants in the Resolution.

Mr. WALPOLE said, he thought that the House was placed in a very unfortunate position in regard to this question. On the one hand, no one could wish not to recognise the services of all those, whether military officers or civilians, who shared in the great struggles in India; and, on the other hand, nobody could wish to prejudge any question which might hereafter be brought before the House; and still less would wish that the Vote of Thanks offered by the House to any persons for eminent services should be degraded into a mere form, which might be the case if they followed the example set them on the present occasion. He owned, if he were asked to give his opinion, apart from the present discussion, as to the conduct of Lord Canning, he should arrive unhesitatingly at the conclusion—considering all the difficulties

Colonel Sykes

the noble Lord had had to go through—that he has exhibited wonderful calmness and firmness; and though there might be some solitary occasion when a person could put his finger upon a passage in the life of a person occupying such a position, which might be regarded in the light of a blot upon his public character, he was of opinion, upon reading all the documents before them, that Lord Canning deserved the gratitude of his country. Though he said that, he wished also to be understood as expressing his regret that this Vote should have been brought forward at the present time, because he thought that, unless the vote received the unanimous, or almost unanimous, concurrence of the House, it would lose half of its virtues and its merits in the eyes of those for whom it was specially intended. But, more than that, he thought that this House was called upon, for the first occasion he knew of, to express a Vote of Thanks to a distinguished functionary at a time when a memorial was in a manner before them, in which the conduct of that person to whom they were about to give their thanks was impeached, in reference to the very subject matter for which their thanks were asked. It was for that reason he regretted most deeply that the noble Viscount had thought it necessary to extend the vote he proposed to Lord Canning for his services, and that he did not confine it, as his first notice intimated, to the military and naval operations alone. Well, but they were placed in this position. They had great difficulties in the passing of this vote, because it might be supposed that they were giving an opinion as to the conduct of Lord Canning while a memorial impeaching the noble Lord's conduct was actually brought under their notice. On the other hand, they were placed in a still more disadvantageous position—at least he thought it a more disadvantageous position—when this matter was actually brought before them, of appearing, as it were, to pass over the eminent persons whose names were specially mentioned in the Resolution by at least seeming to intimate that the vote at the present time was not desirable. Now, he must look at all the consequences of their proceedings—to those in India as well as to their probable effect on the future deliberations of this House. He feared that, if they refused to express their opinions upon the subject, now that it had been regularly brought before them, they would be placing the Governor General of India, who had still the responsibility of conducting the operations there, in a most disadvantageous position, as a public servant under a cloud, and as a man whose conduct had neither been condemned nor approved of by the House of Commons. Looking, then, at the matter in all those points of view, he owned, if his right hon. Friend the Member for Buckinghamshire were then in his place, he should be induced to press upon him the propriety of not persisting in his proposition. And he would request him to refrain from doing so upon a ground on which he thought his right hon. Friend might fairly acquiesce, while still retaining those opinions which he had so ably, so clearly, and so judiciously expounded. The right hon. Gentleman the Secretary for the Colonies had told them that, in passing this vote as it stood, they were not to be considered as prejudging the memorial which might be yet presented against Lord Canning. Now, if the assent of the noble Viscount to that proposition be given, it would enable them to get out of the difficulty in which they were placed; and, upon that understanding, he would press upon his right hon. Friend the propriety of withdrawing his Motion. He must add, taking the view of the question which he had expressed in reference to Lord Canning's conduct, that, if his right hon. Friend did not take that course, but the proposition of his right hon. Friend were pressed to a division, he should feel it his duty to vote against it. With regard to the merits of the persons referred to in the other portions of the Resolution, the House was, he believed, unanimous: there were not two opinions on the matter. He would only add, that when this question came regularly before them, regarding the conduct of Lord Canning, he trusted sincerely that the opinions which he had formed of the conduct of the noble Lord, on his present information, would be confirmed by the subsequent papers that would be laid on the table. If the suggestions he ventured to make be now adopted, he thought that the House would be enabled to do its duty, both to Lord Canning and to the officers who were specially mentioned in the Vote of Thanks, in a much better manner than by taking any division or raising any controversy which might have the effect of implying a doubt as to the conduct of those functionaries, who, until the mutiny was entirely suppressed,

would be still placed in most responsible situations, and whose future efficiency might be more or less impaired in consequence.

ADMIRAL WALCOTT: It is a grateful change to turn from the retrospect of unparalleled atrocities, wreaked during an insurrection unprovoked, upon our fellow-countrymen, their wives and children, and from their bitter entail of desolation of families at home, so terrible as to excite the sympathy of every European nation to the brilliant achievements of our heroic generals, officers, and soldiers. As a member of the sister service, to me it is an augmented pleasure to offer to their merit this slender meed of commendation, and recognition of abilities and vigour of the distinguished commanders, and the alacrity with which their followers supported their heroic efforts. Delicacy alone forbids me to allude in stronger terms to the earnest and invaluable co-operation with the land forces of the blue jackets under that gallant officer Captain Peel. I can conceive no campaign more arduous, no difficulties or harass more trying, and, indeed, ordinarily insurmountable, than had to be endured only to be triumphed over by those brave and determined men. They had to face an enemy far outnumbering them by thousands the army they formed—a foe disciplined by our own hands, taught our own strategy, armed with our own weapons, and still more formidable because rendered desperate by the consciousness that defeat would only change for them the form and scene of death. The highest distinction which this country can bestow, those noble spirits have deserved; they ennoble, and are worthy of the name of Englishmen. Titles and honours, if justly awarded, constitute the cheap defence of nations. They must be given with discrimination, but without dilatoriness; or, perchance, as in a late instance, the posthumous honour will devolve upon a survivor bowed down by a loss which admits of no consolation. Those who have already fallen, whether the general highest in rank, or the private soldier, the same heroic feeling animated and sustained; each ended his life as a true soldier ought, fighting for his country, his Queen, religion, and honour; his soul willingly departing from his body, leaving behind the lasting fame of having behaved as every valiant man is bound to do. Their gallantry will bear its proper ruits; their memory will be one of the highest and most enduring possessions and great bulwarks of their native land. We may well be at a loss whether to admire most the rapid advance of the conquering Havelock, the generous self-denial of Outram, the storming of Delhi, held by a maddened garrison, or the passive indomitable courage displayed in the heroic defence of Lucknow, a defence scarcely if ever surpassed in history—or the masterly advance, the admirable tactics, and the memorable retreat of Sir Colin Campbell, crowned by his victory at Cawnpore; but of this he was quite certain, that all these actions would conduce to one and the same end, the establishment, on a sounder basis, of the British supremacy in India. He had the greatest satisfaction in supporting this Vote to the Army and Navy, founded as it is on the strictest and most constraining principles of justice and national gratitude.

LORD JOHN RUSSELL: I rise to say that I hope the House and the Government will accept the very wise and temperate suggestion of the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole). I will not enter into the question whether it was in the first instance wise to propose this Vote of Thanks to Lord Canning. It might, perhaps, have been better that this vote should be deferred until we had more complete information. There can be no doubt whatever that the army and navy have distinguished themselves; but there is one thing which I wish to say of Lord Canning. I do not pretend to judge of the manner in which he has conducted these operations. Her Majesty's Government appear to be satisfied with the general ability with which the noble Lord has acted in his difficult situation, and I am bound to say that I believe a great portion of the stories which have been told, and the comments which have been made on the other side, to be founded upon falsehood. There is, however, one very remarkable thing, and one which deeply affects the future welfare of India, to which I wish to call the attention of the House. We all know that the atrocities committed by the mutinous Sepoys very naturally roused a deep spirit of resentment, and it cannot be doubted that at first revenge was carried to great lengths. Now, I believe that if Lord Canning had yielded to that which was a very natural feeling among those who were in India,

there might have been created a degree of animosity between Europeans and Natives which would have made it impossible for us, with all the bravery of our soldiers and all the skill of our commanders, to keep possession of India for any length of time. Lord Canning, however, took the only course becoming his Christian character, and withstanding the clamour that was raised, exposing himself to an odium which only a man of calm conscience and determined wisdom could have borne, issued proclamations which have been much misunderstood and much blamed, but the spirit of which was, I think, that the guilty should be punished, but that resentment should not be extended so as to involve the whole Native population of India. There was much misapprehension in this country, and I myself waited for information, because I did not know what would be the explanation of the proclamation called the "clemency proclamation" of July. It now appears that there were other orders given in May and June—orders very effective and very sufficient for the punishment of the mutineers—some of them directed to different parts of the country where the mutiny had broken out, and others, general orders, by which courts-martial could be assembled, and civilians might be added to those courts, for the immediate punishment of the mutineers. It was after the issuing of these orders—which were not known in this country—that there came out that proclamation of July, by which Lord Canning thought fit to temper and complete his other orders. Without completely approving the manner in which that was done—because I think it would have been better to publish the whole together as a consolidation of all the minutes upon the subject—still I conceive that the course which the Governor General then took was a right one, and one, moreover, which will hereafter produce very great benefit to this country. I did not think it right, as there had been questions raised with respect to the conduct of Lord Canning—upon which questions I give no opinion whatever—to conceal my conviction that the measures he has adopted to prevent unnecessary animosity between the Europeans and Natives does great credit both to his wisdom and his humanity. I hope, in conclusion, that the Amendment of the right hon. Gentleman opposite will not be pressed to a division.

LORD JAMES STUART said, that having the honour to represent the county to which the late lamented General Neill belonged, and knowing the affection in which his memory was held by the people of the county of Ayr, he could not help expressing his deep gratification at the terms in which both the noble Lord and the right hon. Gentleman had awarded to that brave officer the highest meed of honour and praise. The people of Ayrshire were determined to do all they could in honour of his memory, and they had already raised a considerable subscription for a monument to be erected to him in the county town; and he was sure they would have considered it to be a great omission on his part if he, as their representative in the House, had not taken this opportunity of making those few observations.

MR. BENTINCK said, he could not refrain from expressing the regret which he felt at their being unable to come to an unanimous vote on this occasion; but he must say, after listening attentively to the whole debate, every succeeding speaker had convinced him more strongly of the impolicy of the course pursued by the noble Lord in forcing the House into so painful a position. He would abstain from passing any opinion upon Lord Canning in his capacity of Governor General of India, and he regretted that such a course had not been more strictly adhered to during the debate. Still he felt bound to say, and he was perfectly justified in saying, that not only were there general allegations of mismanagement, not to say misconduct, but that certain specific charges had been brought against the noble Lord holding that high post. There was a strong feeling in the country, and a strong feeling in India, that many of the horrible atrocities which had been committed there might possibly be traced to the consequences of his mismanagement, and it was, therefore, putting the House into a false position and dealing unfairly with the country to call upon them to offer an opinion, either directly or indirectly, upon Lord Canning's conduct before all the information necessary for the purpose was before them. He thought the argument of the right hon. Gentleman the Secretary for the Colonies perfectly untenable. That right hon. Gentleman said the House was called upon to pledge itself only to one portion of Lord Canning's conduct, and that the military portion. Even upon that portion of Lord

Canning's conduct there might be a difference of opinion, but he could not understand for his part how the House of Commons could pronounce an opinion of high praise and unqualified approbation on one portion of the noble Lord's conduct, reserving to themselves the right of passing at some other time an unqualified condemnation, if subsequent information should justify them in doing so, upon some other portion of his conduct which might have been going on at the same time. That course was not in accordance with reason, nor, he might add, with common sense. He held in his hand the official copy of a correspondence which had taken place between the Governor General in Council and the Directors of the East India Company; and though he would not read any portion of that document nor comment upon it now, he must contend that there was matter in those letters which would require the strictest investigation as to the way in which Lord Canning had dealt with the military resources under his control. He thought, therefore, that the argument of the right hon. Gentleman the Colonial Secretary fell entirely to the ground; for, he would ask, suppose they were to agree to this vote now, and, if it should afterwards be discovered that many of the horrors that had occurred in India had occurred through his mismanagement, in what position would the House then be placed? Whatever the result of the present discussion might be, whether the Amendment of the right hon. Gentleman was pressed to a division or not—if it were he would vote for the Amendment—but if it were not, then he wished to record his humble protest against being precluded, by what had passed to-night, from hereafter exercising his unbiassed judgment on the conduct of Lord Canning.

MR. SYDNEY HERBERT: I wish to say a few words upon the subject under discussion before a division takes place, or, as I rather hope, before the suggestion of the right hon. Gentleman the Member for Cambridge University is adopted and Amendment withdrawn. I stand in a somewhat different position from any hon. Gentleman who has yet addressed the House. I desire to express my cordial assent to the proposal of the Government to include the civilians, and, among others, Lord Canning, in the Vote of Thanks, without reservation or qualification. I think it would have been unworthy of the Government, at such a moment, to pass so marked a slight upon Lord Canning as to have omitted his name from the Resolution before the House,—especially when they knew that to his firmness and courage they owe, in a great measure, the success which has attended our military operations in India. I maintain this without going into those various questions which have been raised to-night. We are not called upon, as the right hon. Member for Cambridge University has remarked, to discuss the general policy of Lord Canning's government in India, and therefore I must decline to go into the questions raised by the right hon. Baronet the Member for Droitwich (Sir J. Pakington) as to whether or not Lord Canning approved the annexation of Oude, or whether or not he refused to enter into negotiations, subsequent to the mutiny, with the deposed family of Oude, in order that a compromise might be effected.

SIR JOHN PAKINGTON: The right hon. Gentleman is labouring under a mistake; I never touched upon the annexation of Oude.

MR. DISRAELI: I may be allowed to explain that the reference to Oude was made, not by my right hon. Friend, but by myself. But I did not allude to the deposed family of Oude, or to the annexation of that kingdom. What I said was, that Lord Canning had refused to negotiate with certain chieftains of Oude with a view to a settlement of differences.

MR. S. HERBERT: If that be so, it adds to the cordiality with which I agree to the proposed Vote of Thanks, for it was the business of Lord Canning not to negotiate with the chieftains of Oude, but to re-conquer a country in a state of mutiny. His military conduct is, however, all that we had to do with on the present occasion, and I maintain that the fame of Lord Canning will rest upon his proclamation and upon the masterly manner in which he made his arrangements for conveying troops from Calcutta to the scene of action —of the first the noble Lord the Member for London has spoken with well-deserved praise for the courage with which Lord Canning interposed to prevent what would have been a war of races; as to the second, I need not remind the House that in England civilians are not famous for their direction of the operations of armies in the field. But here was a case of very great difficulty, in which troops were forwarded, for the first time, in a novel manner with com-

plete success, and with an expedition never before contemplated. They were sent to the railway station which was the furthest on the route to the scene of action, and, for 400 miles from the termination of the railway, relays of bullock-carts and horses were provided, by which they were conveyed at a rate of speed increased by three times of the rate of speed which could have been accomplished by marching. Large buildings, at intervals on the line of march, were provided for the soldiers to repose in during the heat of the day, and provisions were cooked and ready for their use. The result was, that all the troops were passed up in one continuous stream. Calcutta was never burdened with a single regiment for which carriage could not be found, and not a foot-sore man, I believe, arrived at the scene of action; and the whole of this was done without resorting, or almost without resorting, to the system of pressing for carriages and animals. These things seem very slight when done, but are very difficult when undertaken; and this particular operation had never been attempted before, and therefore never done before. It was done for the first time, and with complete success. I, like every one else, have heard these accusations against Lord Canning; but, day by day, and one by one, they melt away, like snow before the sun; and I find things, which at first were asserted with such minute particulars as to almost render it impossible to refuse credence to them, turn out to be without a particle of a shadow of a foundation. God alone knows for what purpose these stories were invented; but, for the future, I have made up my mind, whenever I hear any story with the name or date of Calcutta to it, to be upon my guard as to believing it. I must say, however, that even the opponents of Lord Canning sometimes do him justice. The author of the Second Red Pamphlet, who writes in a spirit certainly of no favour to Lord Canning, gracefully eulogizes the attitude of courage and determination which has marked his conduct throughout all these transactions. I shall give my cordial assent to the vote proposed by the noble Lord, without qualification and without restriction, because I believe Lord Canning's conduct has been most honourable to himself and advantageous to the empire, which by his courage and firmness he has, in a large degree, contributed to save.

SIR CHARLES NAPIER said, he was gratified to hear the high encomiums which the noble Lord had pronounced on the conduct of Captain Sir William Peel and the naval service of India; but as he had restricted the vote to the names of general officers only, he found the name of Sir William Peel omitted from the vote because he was not an Admiral in command. He supposed that it would be said, in justification of this omission, that there was no precedent for it; but he could tell the noble Lord there was a very good precedent, for Colonel Stuart, who held a similar rank with Sir William Peel, and who was in command of a very small body of land troops at the attack on Copenhagen, was yet included in the Vote of Thanks agreed to on that occasion. He trusted, therefore, the noble Lord would yet put in Sir William Peel's name. He was a very gallant officer, as they all knew. He (Sir C. Napier) had the honour to know him in the Syrian campaign, when he was a very young man, though even then he distinguished himself. Since then he had done excellent service in the Crimea, and he believed that he commanded the ladder party who accompanied the stormers at the attack on the Redan; and in the present service he had left his ship and marched his crew up to the scene of action, carrying their heavy guns with them, though without any land carriages; and it was most extraordinary how they got them there. He hoped the noble Lord would not object to the insertion of Sir William Peel's name.

MR. WILLOUGHBY said, he felt the greatest pleasure in expressing his cordial concurrence in this Motion. There were no men who more deserved the thanks of this House than the gallant officers and soldiers now in the district of Bengal. There was another thing he could not omit to mention—the admirable conduct and entire fidelity of the Madras army, and the general and almost entire fidelity of the Bombay army. There could be no doubt that under God it was to the continued loyalty and fidelity of these bodies that we owed much of our present position of comparative safety. With regard to the Governor General, though it was now agreed that this Vote of Thanks did not include any opinion of the policy pursued by Lord Canning, yet he was of opinion that that noble Lord was entitled to the thanks of this House for the calm and unruffled front with which he had contended against the unparalleled difficulties in which he was placed—difficulties which were much enhanced by the short period during which

Lord Canning had resided in India. What he had been most blamed for would, he believed, in the end redound most to his credit—he alluded to those wise methods he had adopted to allay those feelings of exasperation which were too naturally excited in the minds of the whole Anglo-Indian population on the first information of the atrocities committed by the mutineers. The greatest fault with which he was charged appeared to him to be no more than this, that he had impressed upon the agents of the Government who were entrusted with unlimited powers for the suppression of the rebellion, the necessity of caution, and the importance of discrimination between the guilty thousands and the innocent millions. It was a pleasure to him to find the name of Lord Elphinstone, the Governor of that Presidency to which he had himself been so long attached, in the list of those to whom thanks were voted; and to those thanks he was amply entitled, whether they looked at his conduct in denuding the Presidency of European troops, of which he himself stood greatly in need, or whether they looked at his sagacity and foresight in sending to the Cape and to the Mauritius for reinforcements. He was glad to find also that his friend, Mr. Frere, the General Commander of Scinde, was singled out for praise. It was said of Sir John Lawrence, the Commissioner of the Punjab, that he had saved India, and he might say of Mr. Frere, that he had saved the Punjab; for if it had not been for the appearance of a British regiment, and of the Beloochee troops from Scinde, at Mooltan, matters might have assumed a very different aspect there. He was gratified to find that the noble Lord had included in his vote the civilians, several of whom had greatly distinguished themselves in the recent disturbances. The fact was, that in India civilian officers were often so placed that they might be called upon to act as soldiers, even in ordinary times. What achievements of late had been more entitled to admiration than the conduct of the twenty volunteers, most of them civilians, who were engaged in the charge at Agra? The gallant conduct of Mr. Cowper, of Lucknow, had called forth general approbation, and so had the defence of Arrah by Mr. Wake. He might also mention the son of the hon. Member for Guildford (Mr. Mangles,) who, though wounded himself, had carried a wounded man into the fort on his shoulders. He might also allude to the conduct of Mr. Hume at Dacca, and Mr. Montgomery in the Punjab, as well as the conduct of his friend Mr. Wedderburn at Agra, and Mr. Tucker at Cawnpore, all of whom had shown themselves fully entitled to the thanks of this House.

SIR DE LACY EVANS said, that he entirely concurred in the terms in which the vote had been proposed, and greatly regretted the painful discussion which had been raised by the right hon. Member for Buckinghamshire; for though the introduction of the Governor General's name into the Vote of Thanks to the army was doubtful, still, considering that he was a public servant, unconnected with party, he thought the best course would be to adopt the suggestion of the right hon. Member for the University of Cambridge (Mr. Walpole). Undoubtedly the question raised by the right hon. Gentleman (Mr. Disraeli) must be gone into at one time or another; but, as Lord Canning was now Governor General of India, charged with duties not less important than any man in the empire had to perform, it was most desirable that they should not weaken his hands. On that ground, unequivocally, he hoped that the House would come to a unanimous vote. With regard to the military part of the subject, the noble Lord, with a very proper feeling, and in very eloquent terms, had named a great number of officers who had performed signal services, although those officers were officers under the rank of major general. At the same time, the noble Lord seemed to have some little consciousness that the list of names mentioned in the record of the nation's gratitude was extremely limited. In addition to Sir Colin Campbell, who had performed such brilliant services, there were but three names of military officers mentioned. There never was a war in which so many officers under the rank of major general had performed signal services; and yet not one of them was mentioned in this Vote of Thanks. He was certain the omission did not arise from the noble Lord himself. Perhaps the gentlemen at the War Office had told the noble Lord that this was according to custom. He maintained that it was totally contrary to custom; and why should it be so under those peculiar circumstances? A great number of officers under the rank of brigadier had been very properly mentioned by the noble Lord—General Hope Grant, who had just performed most brilliant services—General Chamberlain,

Mr. Willoughby

and others; but not one of them was named in the Vote of Thanks. The noble Lord's speech would go forth; it would go to India, and would be, no doubt, most gratifying to those officers; but it would not go into the general orders of the army—that was the important point, and that was what he regretted. If ever there was a war in which the ambition of officers and men should be stimulated in every possible manner, this was that war. The course pursued was a total departure from custom. Too short notice had been given of the terms of the vote; on a matter of that kind more than a few hours' consideration was due. With regard to brigadier generals it was a complete departure from custom. He had a memorandum of about twenty or thirty occasions on which Parliament had voted thanks to the army, and in those votes he found that sixty officers of that rank had been mentioned. Why should these precedents be departed from on the present most peculiar occasion? The hon. and gallant Member for Southwark (Sir Charles Napier) had alluded to the omission of Sir William Peel's name. Even if there was a red-tape custom which excluded the name of that brilliant officer, it ought to have been set aside. He hardly recollected in our naval history an officer who had displayed such heroism as Captain Peel, and yet he was not mentioned. Colonel Stuart at Copenhagen had been quoted; he commanded the 49th regiment, and was not relatively in such high rank as Captain Peel. He recollected seeing in Votes of Thanks the names of Lieutenant Colonel Packe, afterwards the distinguished General Packe; and Lieutenant Colonel D'Urban, afterwards the distinguished Sir Benjamin D'Urban. He deeply regretted that the noble Lord had been advised to omit so many justly appreciated names from the vote; and if the error were not corrected, he should perhaps himself deem it a duty to propose to the House to rectify this omission; for it was competent to any hon. Member to do so. There were several precedents during the Peninsular war for the subsequent introduction of names improperly omitted. He was quite sure that the noble Lord, with his generosity of feeling, was not the perpetrator of this omission. It was only of late that officers of lower ranks had been allowed to participate in honours at all. In the high aristocratic times of the Peninsular war general officers alone were permitted to receive decorations; but now very properly captains, subalterns, and sometimes non-commissioned officers, were decorated. A rule had recently obtained, which was much to be condemned—it had first prevailed in the Crimean war—that the names of all those, even of the highest distinction, were omitted who had fallen in battle. Their names neither appeared in the lists of military decorations, nor in the Thanks of Parliament. Why should that be? Why should not that man, whom everybody in the nation regarded as one of our most glorious soldiers—Sir Henry Lawrence—be mentioned in this vote? Though they could not give their thanks to these men, they might record those thanks. A custom had been certainly introduced lately of inserting a notice in the *Gazette* with respect to such men, that had they survived they would have been made a C.B. or K.C.B., as the case might be. This was, after all, a bungling mode of signifying the distinction which they had earned, and he would have a *Gazette* issued, dated on the day of the battle in which these men were killed, conferring on them the actual distinction. These points, he trusted, were worthy of consideration. With regard to the progress of the war in India, he regretted that reinforcements had not been sent in sufficient numbers to have enabled Sir Colin Campbell to follow up with more complete success the victories he had already so nobly achieved. But, as a military man, he took no gloomy view whatever of the state of affairs. He believed that the neck of the revolt had been completely broken. In fact, when Delhi was taken, he considered that the affair was, in point of fact, achieved. Though a great deal of hard service remained to be done, the rebellion was essentially put down; and he was happy to think there was no occasion to doubt of an early termination of the war.

MR. KINNAIRD said, he hoped that the suggestion of the right hon. Member for the University of Cambridge (Mr. Walpole) would be adopted, but, at the same time, he felt bound to express his gratitude to the right hon. Gentleman opposite for bringing this question under discussion. He himself had been taken by surprise on seeing the notice of Motion in the paper on Saturday morning, and many hon. Gentlemen around him shared in that feeling. The Chairman, two of the Directors of the East India Company, and

the Government had taken part in this discussion, but what did the mass of hon. Members really know of the merits of the case? He did not wish to prejudge the matter, but really he felt that he was about to give a vote on a question upon which he had no information. For instance, the annexation of Oude had been alluded to; and, though he had been credibly informed that whereas before that step the people were favourable to us, now the measures adopted under the orders of the Governor General for changing the tenure of land there had entirely turned them against us; yet, in the absence of authentic information, it was impossible to form a satisfactory opinion on this important subject. Several papers on the mutiny in India had been promised to the House, and it was most important they should have the answer of the Governor General before they passed a Vote of Thanks to him. However, he was prepared to accept it in the sense that it did not commit them to approving of the policy of Lord Canning.

Lord CLAUD HAMILTON observed, that he thought that every successive speech must convince the Government how rash they had been in bringing forward this Motion without proper notice. Had they taken the precaution to give notice of the terms of the vote and to ascertain the general feeling of the House on this very important point, they would have avoided a discussion painful to all present and most unfair to Lord Canning. It was desirable that such a vote should be unanimous, but the introduction of Lord Canning's name into this vote without notice had led to a discussion showing that he was not entitled to ask a great compliment from the House, because the documents on which alone the House could form a deliberate opinion on his conduct were not before it. The very eminence of Lord Canning's position had prevented the House from knowing all that had passed between him and the Government. With respect to the other distinguished gentlemen named in the vote connected with the civil service, the House had had the official and published despatches of Lord Canning himself, but they were not possessed of such facts with regard to the conduct of the Governor General as would enable them to form a just and deliberate opinion upon it. He thought, therefore, that the Government had placed Lord Canning in a most unfair position, because by this hasty and premature proposition they had deprived him of the means of meeting the charges which had been made against him. He believed that Lord Canning had prepared an elaborate defence to the charges which had been brought against him, and it was very possible that he might be able to prove that his conduct deserved the highest meed of praise which it was possible for the House to offer. However that might be, the house was placed in this painful position by the premature measure of the Government, that under any circumstances the proceedings of that night must convey pain and not pleasure to Lord Canning. Considering, then, the position in which Lord Canning had been placed for so many months, and the manner in which he had fought against unexampled difficulties, he repeated that he looked upon the proposition of the Government as most unjust to that noble Lord. Lord Canning was ready and anxious no doubt to meet every charge that could be preferred against him, and it would have been desirable that the Government should have given him the opportunity of clearing himself, and of demanding an acquittal from his country before this Vote of Thanks was proposed. He (Lord Claud Hamilton) confessed that no vote which he could give upon the Motion before the House would be thoroughly satisfactory to himself; for while, on the one hand, he refused to condemn Lord Canning unheard, he protested, on the other hand, against the sweeping denunciations which some gentlemen had indulged in against the whole population of Calcutta. He thought that they ought to suspend their judgment until they had access to all the documents which would enable them to arrive at a just conclusion.

Lord HARRY VANE said, that no doubt the discussion which had arisen was of a very painful nature; but what, he asked, would have been said if, although it was customary to introduce the name of the Governor General in these votes, it had been omitted on the present occasion? It would have been looked upon as a slur cast on the name of Lord Canning, and as a disapproval of his policy by the Government which employed him. That course, then, could not, he thought, have been followed with propriety, and he would recommend the House to adopt the suggestion of the right hon. Member for Cambridge University (Mr. Walpole), because he was persuaded that it would have a very ill effect in India if Lord Canning's name were omitted from the present vote. That would,

in his opinion, be of itself a sufficient reason for including Lord Canning in the Vote of Thanks; but he agreed with his right hon. Friend the Member for South Wiltshire (Mr. Sidney Herbert) that there were other reasons for thanking Lord Canning. After a careful examination of all the accusations that had been made against the noble Lord, and a careful review of all the papers that had been laid before them on the subject, he had come to the conclusion that Lord Canning had perfectly refuted the different charges which had been brought against him at Calcutta, and had come out triumphantly from the accusations which had been levelled at him. It had been distinctly stated by the members of the Government that the House was not asked by this vote to pronounce an opinion upon the policy of Lord Canning. They were asked to thank him for the energy and ability which he had shown in directing the military operations in India. Such questions as the annexation of Oude hardly came under consideration in discussing the present propositions, and it would be competent to the House to discuss those matters subsequently quite independently of this vote. This was a specific vote for a specific purpose. No charge had been substantiated against Lord Canning, and he thought that it would be unjust if the House were to hesitate to give him the Vote of Thanks which had been proposed. He trusted that that expression of thanks would be unanimous; but if not, Lord Canning, however painful that want of unanimity might be to his feelings, would at least have the satisfaction of knowing that a large majority of the House were anxious to tender him their thanks for his firmness and judgment, combined with humanity, for he was not ashamed to confess that he thought humanity was a merit.

MR. DRUMMOND: The noble Lord (Lord C. Hamilton) professed to be actuated by a great desire to do justice to Lord Canning, and the mode by which he shows that such really is his wish is that of asking us, when about to pass a Vote of Thanks to the Indian Government and its agents, civil, military, and naval, for great, unexpected, and extraordinary successes, to leave out the name of Lord Canning, and to give thanks to everybody else but him. Such is the justice to Lord Canning which the noble Lord recommends. Now, if it were indeed true, as the right hon. Gentleman opposite, the Member for Buckinghamshire (Mr. Disraeli), said, that we were asked to give a vote of approbation of all Lord Canning's conduct from the time that he became Governor General of India, I confess the right. hon. Gentleman's deduction could not be easily denied—namely, that we had been entrapped into that vote. But no such thing is intended, nor is it in the words of the Motion. The Motion is simply confined to the question in hand —the conduct of the naval and military commanders, guided as they have been by the civil administration, in suppressing the most formidable mutiny which ever broke out in any country in the world. Now, the right hon. Gentleman says, that among the things for which Lord Canning is to be blamed is that he did not foresee this mutiny. Why, if he had he certainly would have been the most extraordinary man in the world. How was it possible for Lord Canning to know anything of a country of which he was ignorant previous to entering it as its Governor, except by the information which he could obtain from persons who had lived there for years? If he had asked the Indian Directors in this country, who had lived in India, whether they suspected a mutiny in India, they would have laughed in his face. Have we not been reminded to-night of the melancholy truth that so completely did the European officers repose on the fidelity of their regiments that they answered for that fidelity with their lives? How possibly could Lord Canning anticipate this mutiny in any way? It is somewhat curious to observe the difference in the countenance of people in this House before and after dinner. You may sometimes judge by their little mild cheer and their little mild sneer what is passing in their minds. When the noble Lord at the head of the Government spoke with approbation of Lord Elgin sending his troops from China, of Sir Charles Grey sending troops from the Cape of Good Hope, and Sir Henry Ward sending troops from Ceylon, there was great cheering for these acts, but not a single cheer for the man who sent for those troops, for the man who induced all these gentlemen to take these bold steps. Why, it was Lord Canning solely that did so. The noble Lord opposite (Lord C. Hamilton) thinks it very unfair to speak with disrespect of Calcutta information. Now, I am one of those who never will believe anything I see in the Indian press. I believe that when you go to the bottom of the question you will find that that press, which Lord William Bentinck so foolishly

gave to the Indian people, has been the main cause of this mutiny. I will give you an instance or two of the false statements which have caused my disbelief in that press, One of these papers stated that Sir Patrick Grant took his passage in a steamer to go to a particular place, and it professed to report a conversation which he had had on that steamer upon things in general and Indian politics in particular, in which he expressed himself as opposed to the views of Lord Canning, and in favour of those of that paper. Now, it was found that Sir Patrick Grant did not go by that steamer, but by another. Now, mark you, there could be no mistake about the matter. It was a wilful, premeditated lie. There is no room for explanation. There was no need for *audi alteram partem*. It was a pure, unmitigated falsehood. I go to another story. Shortly after Sir Colin Campbell's arrival at Calcutta he dined with Lord Canning and several other people. It appears that there is in Calcutta some paltry military prison or other which was under the control of the Governor General, but now under that of the Commander in Chief. Some court-martial was held, and a conviction was brought in to be signed. Sir Colin signed it, and afterwards found out that he had no authority to do so. At the dinner I have mentioned Sir Colin treated the matter as a joke, remarking, with a laugh, that the first thing he had done was to commit an act of mutiny against the Governor General. This story was the origin of the reported differences between the Governor General and Commander in Chief. This was one of the charges in one of the Calcutta papers, and it is to English newspapers, to which these falsehoods have been transferred, that the hon. Gentlemen in this House, who have to-night attacked Lord Canning's character, have looked for information about Indian affairs. An attack was made in one of the Calcutta papers upon Lord Canning for not having performed some act of severity which they recommended. In a few days or a week afterwards another paragraph appeared in that same paper, praising Lord Canning for having done some act of severity which they had recommended, and we were told that the three men whom they had pointed out to the Governor General as deserving of punishment had just been executed in such and such a square. All a lie! Pure falsehood from beginning to end. Now, I think I have shown reasons why I at least shall never believe a Calcutta paper. This debate has been entirely confined to Lord Canning's conduct with regard to the mutiny. Lord Canning has also been the victim of anonymous writers in English newspapers. It is from them that hon. Gentlemen have taken their inspiration. I have spoken of those English papers before, and I will speak of them again, but not anonymously. You shall hear of them by the names of the writers, and if you who talk about superstition in India will put your heads underneath a Juggernaut in England, you must abide by the consequences.

MR. HENLEY: Having formed an opinion upon this question, which involves the character of a very high functionary of the Government, I do not like to give a silent vote on the occasion. I have taken some pains to read the papers that have been circulated upon the subject, and I have formed a distinct opinion, which, as far my judgment goes, nothing stated to-night should induce me to alter. I think that for the last six months Lord Canning has been placed in a situation of difficulty almost unprecedented; that he has acted in the main with great resolution, and that he is one of those rare men who have the moral courage to be just. He is not to be swayed or driven from one side to the other against his own judgment, and there is nothing to lead me to think that he has acted wrongly. There is no doubt that in this great crisis many people may differ as to whether this or that particular act of Lord Canning's might not have been better done; but I think that when a man has been placed in such extraordinary circumstances, if his conduct on the whole has been right, it is unjust and ungenerous to withhold our approbation. That, I think, is the view we should take if our own conduct were in question. I cannot say whether the many things that have been alleged against him are true or not; but I do not think that they rest upon a foundation that should induce us to withhold this mark of approbation, and therefore I, for one, am disposed not to do so. I should feel extremely sorry if any division were to take place upon the question, because there can be no doubt that it would take something from the value of the thanks of this House if they are not unanimously accorded. I sincerely hope that the recommendation of my right hon. Friend the Member for Cambridge (Mr. Walpole) will

have weight with the House. Lord Canning has dealt successfully with a state of things for which it was impossible to be prepared. We are not now asked to say whether any other man might have dealt with the crisis more ably. All that we are asked to pronounce upon is whether his conduct deserves our thanks. I think it does, and I shall join in the Vote. I cannot, however, sit down without saying that the noble Lord at the head of the Government hardly played fairly or candidly with us when on Thursday he did not openly and manfully say it was his intention to propose this vote. I think it is quite possible that this discussion might have been prevented. It seems, I must say, an ungracious thing to Lord Canning that his name should now be tacked on as it were to the vote to the army and navy, and should not have been mentioned when the noble Lord first gave his notice. I deeply regret that omission, because, let what will be said as to the point of order, people will have an idea that there was some wish to conceal his name, and that the mention of it has come suddenly upon the House.

MR. VANSITTART said, that he must protest against being called upon to thank Lord Canning for the ability which he had displayed in the late emergency; he felt it impossible to do so when, from letters which he had seen from India, he perceived that people of all classes agreed in condemning the course which he had adopted. He must deny that they were actuated by any desire to slander or traduce the noble Lord, for it was notorious that in Bengal not more than one out of ten of the residents could be found to speak in praise of the Governor General, and, that being the case, it appeared to him to be almost an insult to Sir John Lawrence to couple his name with that of the Governor General in a Vote of Thanks.

GENERAL THOMPSON was anxious, as one who had some experience of India, to express his opinion that if Lord Canning had had his way, all the mischief which had fallen upon us would have been prevented. Lord Canning was the successor of those great and able men who for 250 years had made India an honour to the British Crown. Since then, a new race had sprung up, with whom the noble Lord had to contend. Lord Canning had had to struggle with maniacs and reprobates; in proof of which he would only refer to what had been read to the House by his old Indian friend (Colonel Sykes) on his right. The mischief came from the European immigrants or colonists, who brought from the slave-penns of America that detestable term which was among gentlemen *non nominandum*. Their great fear was that an Indian native should be promoted to any place of trust or profit. There was but one way to prevent this, and that they took. They broke faith with that Indian army, which was the Magna Charta—the Constitution—the Bill of Rights—of the Indian people; for while there was a Native army of 350,000 men, they knew that England must, and would, treat them with justice. The only means by which the Indian soldier could be driven into resistance was by attacking him in his religion — the free exercise of which had been guaranteed to him when he enlisted. Why could they not let the Indian army alone? Why did they insist on filling the mouths of the soldiers with hog's lard? If the Life Guards or Blues were invited to trample on the cross—or the Connaught Rangers to do what they considered equivalent to spitting on the Host—he took the phraseology from an eminent literary authority, the columns of *The Times*—the same kind of results would follow, as in fact they did in the time of the Second James. It was a *guet-à-pens*. He had said in the summer that it was a breach of military faith and honour, and he said so now. There had been times and places where a man making such a declaration would be asked to account for it. He was glad to have the opportunity of expressing his opinion of the merit of the Governor General of India, by supporting the present Vote.

MR. TOWNSEND said, he trusted that the Amendment would be withdrawn and the Motion unanimously adopted. He thought that under existing circumstances it was their duty to do all they could to strengthen the hands of the Indian Government by showing their confidence in it.

MR. DISRAELI intimated that he would not press his Amendment to a division, and added that if the statement which had been made that evening had been made by the noble Lord before, namely, that by agreeing to this vote they were not to be held committed to any expression of approbation in reference to

the general policy of Lord Canning, he should not have interposed any objection.

VISCOUNT PALMERSTON: I should have made that statement had I thought it necessary, but I imagined it would be taken for granted. I thought the shape in which the Resolution was proposed sufficiently showed that the thanks were intended to apply simply to the measures taken by Lord Canning in support of the military operations, and had no reference to the general policy of the Government. I am quite ready to state now that I consider the House, if it agree to this vote, will still be perfectly free to take any course in respect to Lord Canning's general policy they may think fit, and will be in no way bound except as to the conduct of that noble Lord in supporting the military operations which have been rendered necessary by the outbreak of the mutiny.

Previous Question, by leave, *withdrawn.*

SIR FREDERICK SMITH said, that as a British Officer he could not but feel grateful to the noble Lord at the head of the Government for the cordial manner in which he had acknowledged the brilliant services of our troops in the East. He (Sir F. Smith) very much regretted that certain Returns for which he had moved some time since had not yet been produced, as they would have shown the House the relative proportion between the European and the native troops in India at the outbreak of the mutiny. Still, in the absence of Official Returns, it was probable that the European soldiers did not exceed 25,000, while the aggregate native force numbered 289,000. The successes achieved by our troops under such an overwhelming numerical disparity were perfectly marvellous, and this country showed in the glory which was reflected by such splendid exploits as the marches of Havelock and of Greathed, the marvellous relief of Lucknow by Sir James Outram, and the striking display of skill and energy made by Sir Colin Campbell. But, perhaps, the most memorable episode in the whole of those operations was the defence made by the garrison of Lucknow, than which he knew of nothing more admirable in ancient or modern history. A few hundred men had, in that case, successfully defended a weak position during a period of eighty-seven days, against an army numbering many thousands, and able to bring to bear against the little garrison heavy guns from a distance of not more than fifty yards. He wished, however, to call particular attention to the heroic conduct of Brigadier Inglis and the garrison of Lucknow, to which there was no parallel in ancient or modern history. His feeble voice, however, could do but small justice to the glorious exploits of this gallant garrison, and he would, therefore, take the liberty of quoting to the House the words of Major General Outram, in his divisional Order of the 5th of October last. Sir James Outram said—

"The Major General believes that the annals of warfare contain no brighter page than that which will record the bravery, fortitude, vigilance, and patient endurance of hardships, privation, and fatigue displayed by the garrison of Lucknow, and he is very conscious that his unskilled pen must needs fail adequately to convey to the Right Hon. the Governor General of India and His Excellency the Commander in Chief the profound sense of the merits of that garrison which has been forced on his mind by a careful consideration of the almost incredible difficulties with which they have had to contend. The term 'illustrious' was well and happily applied by a former Governor General of India to the garrison of Jellalabad; but some far more laudatory epithet, if such the English language contains, is due, the Major General considers, to the brave men whom Brigadier Inglis has commanded, with undeviating success and untarnished honour, through the late memorable siege; for, while the devoted band of heroes who so nobly maintained the honour of their country's arms under Sir Robert Sale were seldom exposed to actual attack, the Lucknow garrison, of inferior strength, have, in addition to a series of fierce assaults gallantly and successfully repulsed, been for three months exposed to a nearly incessant fire from strong and commanding positions, held by an enemy of overwhelming force, possessing powerful artillery, having at their command the whole resources of what was but recently a kingdom, and animated by an insane and blood-thirsty fanaticism."

The House ought to know that by the exertions of the men and officers, and without the assistance of a single miner, Brigadier Inglis succeeded in discovering no fewer than seventeen mines which the enemy were about to explode under the ramparts of the Residency. He earnestly hoped that Her Majesty's Government would take the necessary steps for bestowing the due rewards on the small band of heroes who had added so much lustre to the British name.

Main Question put, and *agreed to.*

The other Resolutions were then severally *agreed to, Nemine Contradicente.*

Ordered, That the said Resolutions be transmitted by Mr. Speaker to the Governor General of India, and that his Lordship be requested to communicate the same to the several Officers referred to therein.

EAST INDIA LOAN BILL.

SECOND READING.

MR. VERNON SMITH said, he hoped the House would have no objection to read this Bill a second time that evening without any discussion; and in that case he would undertake to postpone the Committee until next week, when the objections to the measure, all of which he believed related to points of detail, could be best considered.

SIR HENRY WILLOUGHBY said, he wished to know when the Government would be prepared to lay before the House an authentic account of the state of our Indian finance.

THE CHANCELLOR OF THE EXCHEQUER said, that a Return, containing ample information upon that subject, was being printed, and would in a few days be laid on the table of the House.

CONSPIRACY TO MURDER.

MOTION FOR LEAVE.

(FIRST NIGHT.) DEBATE ADJOURNED.

VISCOUNT PALMERSTON: I rise, Sir, in pursuance of the notice I have given, to move for leave to bring in a Bill to amend the law relating to conspiracy to murder. From time to time circumstances arise which point to the necessity, or the expediency at all events, of revising particular laws; and I think the House will concur with me in the opinion that an event has recently happened which does render it expedient that Parliament should revise the particular branch of our criminal law to which my notice relates. Sir, a conspiracy has been formed, partly in this country, for the purpose of committing a most atrocious crime. That conspiracy has led to most disastrous consequences. Providentially, the particular consequence to which it was aimed did not take place; but, nevertheless, great disasters have happened, and a sensation of indignation and disgust has been spread over the whole face of the earth. The natural consequence of the fact, that the parties who were immediately concerned in this diabolical attempt issued from this country, has been that foreign nations, ignorant of our peculiar laws, and unacquainted with the spirit of our constitution, have thought that there was an indifference in this country to the commission of crimes of an atrocious nature, and that, so far from entertaining those feelings which human nature must ever entertain with regard to such projects and such acts, on the contrary, the people of England were disposed rather to look upon them with a feeling amounting almost to favour. A disposition prevails on the Continent in general that the Government and Parliament of this country should take some steps which should place it in the power of the Government, on mere suspicion, to remove aliens from the United Kingdom. Sir, it is needless for me to say that it is not the intention of Her Majesty's Government to propose any measure of that kind to Parliament. We are sensible, as everybody must be, that there may be cases in which men, entertaining the most criminal projects, might with advantage be removed from the country; but, at the same time, any law which gave to the Government that power would be so liable to abuse, and would infringe so much on that general principle according to which the shores of the United Kingdom are open to people of all nations who may be compelled, from political or other causes, to seek a refuge here, and who ought, so long as they conduct themselves peaceably, to enjoy the protection they seek, that any Government would hesitate long before they proposed such a measure to Parliament, and I am quite sure Parliament would be quite as much disinclined to adopt it. Such a measure, therefore, is out of the question. But Her Majesty's Government, finding that an offence of a peculiar nature has been committed—namely, that there is strong reason to think that a conspiracy for the commission of murder has been, at all events, partially concocted in this country, we are anxious to consider what is the present state of our law with regard to that particular offence.

I will, Sir, in the first place, meet an objection which I am aware many people entertain, at the consideration of this question having been taken up at all at the present time. It has been said by many that, because great irritation has been expressed on the part of foreign nations, and supposed to exist on the part of foreign Governments, against England, upon the mistaken assumption that we are indifferent to these matters, and that because, in France especially, certain addresses have been made by military bodies and published in the official paper, the *Moniteur*, on this account we should be prevented taking a step which, on its own merits, we might think it becoming the character and the interests of the country to take. Sir, for myself I must confess I cannot under-

stand the argument on which such an objection is taken. If it be right in itself to make such an alteration in our law; if our law is defective, and if it is capable of material improvement, there can be no reason why we should abstain from doing in regard to our own legislation what we think to be right merely because other nations have given way to impulses in moments of passion and perhaps of fear which we think to be wrong. But I am glad to say, in regard to those particular addresses from military bodies to which objection was taken on a recent occasion, that in the first place it appears that if the people of France are ignorant of what is the spirit of our constitution, and the habit, course, and current of our legislation, we, on the other hand, are very ill-informed as to the constant course and practice in France in regard to matters to which we take objection; because—and I confess it is only within the last few days that I have been acquainted with the fact—that the practice of addresses being presented by military bodies of all descriptions to the head of the Government of France upon all occasions of public interest, whether political or not, is a practice which has prevailed for, at all events, the last sixty years. It appears that in every reign, when events of public importance have occurred, whether for good or for evil, whether they were events upon which congratulation could be offered, or events upon which strong opinions could be expressed, it has not been considered inconsistent with the military discipline of the French army, but, on the contrary, it has been an approved practice, to allow regiments, and even detachments, to make addresses to the head of the existing Government. There was, therefore, nothing in the fact of these addresses being permitted and published which was a departure from the ordinary and uniform practice which prevails in France. But there were in those addresses, undoubtedly, expressions and passages at which in this country offence was taken, and at which, were it not a pity that we should examine too narrowly what passes in France, persons in this country might justly take offence. Well, Sir, Her Majesty's Government thought it desirable to inform the French Government of the unfortunate effect which those passages had produced upon the public mind of this country. I am glad to say my noble Friend Lord Clarendon has had placed in his hands by the French Ambassador, by the directions of the French Minister for Foreign Affairs, a despatch, in which it is stated that, Lord Cowley having communicated to the French Government the bad impression which that particular circumstance had produced, Count Walewski had ordered the Ambassador here to state that, although the practice was a universal practice, if in two or three addresses out of many hundreds some passages were allowed to be printed to which objections had been taken in England, that circumstance must have arisen from the inadvertence of those who had the charge of publishing those addresses, and that he was ordered, upon the part of the Emperor, to state that he regretted their publication. As far, then, as any objection to the revision of our laws is founded upon these recent addresses, I think such objection ought to cease after the handsome manner in which that explanation has been made.

I come now, therefore, to the question disembarrassed of any feeling connected with that subject. Upon examining the state of our law it appeared that the law in this country—in England—treats a conspiracy to commit murder simply as a misdemeanour, subject to a fine and a short period of imprisonment; that, in point of fact, the offence of conspiracy to murder is punishable on the same level and in the same manner as a conspiracy for any other purpose, such as hissing at a theatre, or doing anything which it is an offence for men to conspire to do. In another part of the United Kingdom—that is to say, in Ireland—it will be found that the law upon this subject is very severe. There a conspiracy to commit murder is a capital offence. Well, Sir, it appeared to us that while, on the one hand, the law of England is too slight and the punishment not adequate to deter persons from the commission of the crime, on the other hand, the law of Ireland, which was passed in former times, was more severe than was necessary, and that it would be an improvement to make the law of the United Kingdom uniform by reducing the penalty in Ireland and by increasing the penalty in England. That which we now propose is that conspiracy to commit murder should be a felony, punishable with penal servitude, according to the nature of the offence, at the discretion of the Court, varying from any period not less than five years to the extent of life. Penal servitude for life was the maximum punishment, or the

offence might be punished by imprisonment and hard labour for a period not exceeding three years. That would apply to conspiracies by persons in this country, be they British subjects or foreigners—conspiracies to commit murder upon any person, whether a British subject or a foreigner, and whether resident within this country or abroad. This law will be universal, and will apply to all persons with respect to conspiracies to murder wherever intended. In this country, if a conspiracy to murder were to succeed, and a person were to fall a victim, then a conspirator would be an accessory before the fact, and could be tried for murder. With respect to a conspiracy to procure the murder of a person out of this kingdom, we propose that the conspiracy should be a conspiracy to commit murder if the murder which the conspiracy is intended to produce would be murder according to the laws of England if the crime were committed within the United Kingdom. The Bill, then, Sir, will be exceedingly short, and will run thus:—

"1. Any person who shall, within the United Kingdom of Great Britain and Ireland, or the Islands of Jersey, Guernsey, Alderney, Sark, and Man, conspire with any other person or persons, being either within or without the said United Kingdom and the said Islands, to commit murder, either within or without the dominions of Her Majesty, shall be guilty of felony, and being convicted shall be liable to be sentenced to penal servitude for life, or for any term not less than *five* years, or to imprisonment, with or without hard labour, for any term not exceeding *three* years.

"2. That any person who shall, within the said United Kingdom, or said Islands of Jersey, Guernsey, Alderney, Sark, and Man, incite, instigate, or solicit any other person, being either within or without the said United Kingdom and Islands to commit murder, either within or without Her Majesty's dominions, shall be guilty of felony, and shall be liable, upon conviction thereof, to be sentenced to penal servitude for life, or for any term not less than *five* years, or to imprisonment, with or without hard labour, for any term not exceeding *three* years.

"3. Any person charged within the United Kingdom with a felony, under the provision of this Act, may be apprehended, tried, and punished, or otherwise dealt with, in all respects, in any county or place within the United Kingdom in which he may be found, in the same manner as if the felony with which he is charged had been committed in such county or place.

"4. In any proceeding under this Act in which the murder shall be alleged to have been intended to be committed in any foreign country the word "murder" shall be construed to mean the killing of any person, whether a subject of Her Majesty or not, under such circumstances as would, if the person were so killed in the said United Kingdom, make such killing murder by the laws of the said United Kingdom."

Then the 5th clause repeals the Irish Act of 10th *Geo.* IV., entitled "An Act for Consolidating and Amending the Statutes relating to Offences against the Person." The effect of the Bill which I now ask the House to allow me to introduce is to increase the penalty for conspiracy to murder as far as relates to Great Britain and to diminish the penalty in Ireland, and to make one uniform law for the whole country. Now, I think that is an improvement of the law of this country, independent of all temporary circumstances. I think at the same time it is due to the character of the country that, a great crime having been attempted, the arrangements for which were partly concerted in this country, as far as we can go without violence to the constitution, and without any legislation which would not in itself be right and proper, we should so far show our feeling upon this occasion as to enter upon a review of the particular law relating to that crime which has been attempted. It may be said possibly that as yet the present law has not been found ineffectual, because no proceedings have taken place under it. But will any man say, the object of the law being by punishment to deter persons from the commission of the offence, that by increasing the penalty attaching to the offence you do not add to the deterring effect, and still more prevent men from committing such offence? Can it be said, because it has so happened that this crime is scarcely known in this country, and that no case has occurred in which the law has been applied, that we are not adding a security that in future the crime will not be repeated by increasing the punishment which is to deter from its commission? It may perhaps be said, that if any one thought he should be successful no amount of punishment would deter him from the attempt, and that many an enthusiast would not care to take imprisonment for three years as the result of an unsuccessful attempt; but I cannot but persuade myself that increasing the penalty to that length of penal servitude which is mentioned in the Bill will have a wholesome effect in teaching those who might wish to make this country a place in which to hatch and concoct disgraceful crimes that they cannot do so without incurring a liability of a very serious character. I therefore propose to the House that I should have leave to bring in a Bill for the purpose of amending the Law relating to Conspiracy to Murder.

[*First Night.*

Motion made, and Question proposed, "That leave be given to bring in a Bill to amend the law relating to Conspiracy to Murder."

MR. KINGLAKE rose to move an Amendment:—

"That this House, while sympathizing with the French Nation in its indignant abhorrence of the late atrocious attempt against the life of the Emperor, and anxious upon a proper occasion to consider any defects which may be shown to exist in our Criminal Law, the amendment of which might tend to defeat a repetition of such attempts, deems it inexpedient to legislate in compliance with the demand made in Count Walewski's despatch of the 20th of January, until further information is before it of the communications between the two Governments subsequent to the date of that despatch."

He need hardly say that he warmly concurred in the noble Lord's expression of the abhorrence of this country at the dreadful crime which had been attempted against the life of the Emperor. As a moral and religious people we absolutely abhorred the crime of assassination. As a people used to bracing exercise and manly strife of many descriptions we regarded assassination as a cowardly and dastardly evasion of those rules of fair conflict to which we were accustomed; and perhaps we might add that to our abhorrence of the crime we joined a great deal of hearty contempt, because, as a thoroughly practical people, we were naturally apt to despise those who were continually making attempts and never succeeding. If he imagined it possible that by any legislation we could prevent the repetition of attempts such as that recently made against the life of the Emperor, and if the law officers of the Crown had come to that House, and, speaking with faithful regard to the science of the law, and not as politicians bending under pressure from abroad, had told them that the law required amending, then he should have been quite ready to give his best attention to any measure which might have been proposed upon the subject. But how stood the case? The indignation occasioned by the late atrocious attempt was very natural, and it was also natural that France should, in the moment of indignation, turn towards this country, because it was from this country that the assassins went thither. [*Cries of* "No, no."] At least, some of the conspirators went from this country, and it was therefore natural that the French people in the first moment of their indignation should turn their eyes towards England. The result was the despatch which had that morning been placed in the hands of Members, and to which for some reason or other the noble Lord had made no allusion. In that despatch the Government of this country was in the most urgent terms called upon to alter its internal law. Now, his objection to legislate upon this occasion was of the simplest description. He confessed that he was so old-fashioned—so illogical, if they chose—as to decline to concur in altering the municipal law of England at the instigation of any foreign potentate. Either the measure proposed by the noble Lord was merely a piece of law reform, or it was a political measure suggested from abroad. If it were a piece of law reform he should have expected it to have been proposed to the House by the very able law officers of the Crown, and he could not believe in that case the noble Lord would have made himself the organ of the Government. But, if it were, as he conceived it to be, a concession to the pressure put upon the noble Lord by the despatch to which he had referred, he must decline to concur in the proposed legislation. It so happened that at that very moment hon. Members had in their hands notices of Motion for revising that very branch of the law which the noble Lord was now submitting to their consideration. The Solicitor General, than whom no man was more capable to deal with legislation of this description, only so lately as Thursday last gave notice of his intention to introduce several Bills for the consideration, improvement, and amendment of our criminal law. Of these notices one was—

"Mr. Solicitor General: Offences against the Person.—Bill to Consolidate and Amend the Statute Law of England relating to Offences against the Person.—An early day."

The other was—

"Mr. Solicitor General: Indictable Offences.—Bill to Consolidate the Statute Law of England and Ireland relating to Accessories to, or Abettors of, Indictable Offences."

Therefore, if it were not intended that this proposed legislation should be absolutely exceptional, it might be most aptly, conveniently, and properly comprised in the measures the notices of which the Solicitor General had placed in their hands. But, perhaps, that would hardly satisfy the exigency under which the noble Lord was acting. The despatch was very strongly worded—

"But M. le Comte, how different is the attitude of the skilful demagogues established in England. It is no longer the hostility of misguided individuals, manifesting itself by all the excesses of

the press and all the violences of language; it is no longer even the work of the factious seeking to rouse opinion and provoke disorder; it is assassination, elevated to doctrine, preached openly, practised in repeated attempts, the most recent of which has just struck Europe with amazement."

To do justice to the noble Lord he must confess that he had, in terms which he admitted to be perfectly decisive and conclusive, declined to act upon this portion of the requisition which was addressed to him. The despatch went on—

"In submitting these questions to Her Britannic Majesty's Government, the Government of the Emperor does not merely discharge a duty towards itself, it re-echoes the sentiment of the country, which, under the influence of the most legitimate anxiety, calls upon it to do so; and which, in a matter where the common interest among all nations and all Governments is so clear, considers itself entitled to reckon upon the concurrence of England. The repetition and the wickedness of these guilty enterprises expose France to a danger against which we are bound to provide. Her Britannic Majesty's Government can assist us in averting it by affording us a guarantee of security which no State can refuse to a neighbouring State, and which we are authorized to expect from an Ally. Fully relying, moreover, on the high sense of the English Cabinet, we refrain from indicating in any way the measures which it may see fit to take in order to comply with this wish."

So that, although no alternative was given to the noble Lord as to the general character of the measures which he was to adopt, the details were kindly left to the discretion of the Cabinet. He did not think that it would become the House of Commons instantly to legislate upon an appeal such as this. They had been told that this despatch, although dated January 20th, had not been answered. He did not wonder at that; but he proposed to the House that they should answer it here, and answer it now. He had great confidence in the noble Earl who conducted the affairs of the Foreign Office. He knew no one who could write a better despatch than Lord Clarendon; but he believed that no human ingenuity could give so good an answer to the communication of Count Walewski as would be involved in a simple vote of that House. The hon. Member concluded by moving his Amendment.

MR. HADFIELD seconded the Amendment, and expressed his decided objection to the measure, the effect of which would be to render two suspected persons talking together guilty of conspiracy, and subject them to severe penalty. This was an invasion of the constitution of the country which he had little expected from the present Government. It had been the pride of Englishmen that this country had afforded an asylum to the political outcasts of all other oppressive Governments, and a refuge for the lovers of liberty all over the world. But it seemed to him that this Bill would involve all political refugees in the drag-net of the law of conspiracy, and would subject all who could be brought within the enactment to transportation for life. The Lord Chief Justice had stated that, in his opinion, the present law was quite sufficient for every purpose, and that an alteration was not necessary. There was danger in the Bill of the noble Lord. He was suspicious and jealous of it in the highest degree. If it should pass, farewell to the liberty of every one seeking a refuge in this country. The people of this country had established its character centuries ago. They had hitherto maintained it unsullied, and he deeply regretted that it should be impugned by a Bill of this kind at the dictation of a foreign State. He cordially supported the Amendment, and trusted that the Bill would be withdrawn, for if any Amendment should be considered necessary, it could be much more conveniently made in the Bills of the Solicitor General.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. BOWYER said, it was not easy to understand the objections which the hon. Mover of the Amendment urged against the Bill. Indeed no attempt had been made to show that the Bill was bad in itself. The first objection of the hon. Member for Bridgewater (Mr. Kinglake), that the measure was proposed by the noble Lord at the head of the Government instead of by the Attorney General, was not a very weighty one. Another was that the Bill was introduced at the suggestion of the Government of our ally the Emperor of the French. It was a very odd and certainly a new doctrine in civilized Europe that one ally was not at liberty from time to time to suggest to another things which, though immediately concerning the internal affairs of the latter, also deeply affected the peace of the former and the stability of its Government. He was surprised especially to hear that, after the soldiers of France had fought side by side with ours in the great struggle which had lately terminated, the French Government was not at liberty, in an amicable manner, upon a great emergency, to bring before the Government of England matters which af-

fected the security of our Allies and the safety of the life of him whom the votes of the French people had placed upon the throne of that kingdom. And that was all that the French Government had done on this occasion. He had read with care the despatch of Count Walewski, and he admitted there were some phrases in it which might be misunderstood by persons not acquainted with the niceties of the French language; but for his own part he could not conceive a more unobjectionable, a more inoffensive, or a more proper communication to be made by one ally and neighbour to another. The question was whether, because certain French colonels had spoken in an injudicious and objectionable manner, that House was to refuse its consent to a Bill which was in accordance with international law, and even with the criminal jurisprudence of England itself. They were not called upon to interfere with what had been termed the right of asylum, which was supported by the very highest authorities, both ancient and modern; they were not asked to alter any one principle in our law or constitution: but simply to enact a penalty adequate to the offence which it was intended to punish, and to provide more effectual means for the suppression of crimes against the peace and safety of other nations. Supposing they refused to pass this Bill, in what possible manner, he asked, could they more effectually give colour to the unjust and absurd imputations of the French colonels. Our Ally had brought before us a defect in our legislation, and several cases had occurred in which our law had proved practically inadequate to the prevention of crime. ["No, no!"] Crimes had been perpetrated; our law had not prevented them; therefore, it was not practically sufficient for the purposes which it was intended to serve. That was sound logic. It appeared to him, moreover, that it was most undesirable to give colour to the idea that we were indisposed to the suppression of conspiracy, and that it would be most undignified to refuse to do what was right merely because they felt offended at something that somebody else had said. He was actually told that if they passed this Bill it would be said abroad that they had acted under the menace of a foreign Power. He would be ashamed to sit in that House if such a motive were to be thought capable of influencing it. Foreign nations knew the English Parliament well enough to be aware that it was not to be moved by menace, and that if it were to pass this Bill it would do so only because it thought it just, wise, and expedient. The laws of this country in their present shape had been found to be practically ineffectual for the prevention of crimes such as that which had lately been perpetrated in Paris, and it was, in his opinion, extremely desirable that they should be so far amended as to afford somewhat greater security against the recurrence of offences of a similar character than at present existed. If then, this Bill were a right Bill—if it remedied a defect in our law—the House should assent to it, irrespective of all these foreign considerations. It had, indeed, been urged in opposition to any such measure that the Emperor of the French had himself, while an exile in England, conspired against Louis Philippe, who was then at the head of the French nation. The *argumentum ad hominem* was, however, in his opinion, a bad species of reasoning to which to have recourse. It reminded him of that line of argument which schoolboys were wont to reprobate under the name of a *tu quoque*. But passing over the inconclusive nature of such reasoning he was prepared altogether to deny that there was any just parallel between the expedition of Louis Napoleon to Boulogne and the attempt which had recently been made to assassinate him in his own capital. Louis Napoleon was at the time of the expedition in question a pretender to the Crown of France; he believed himself to be entitled under an organic law of the Empire, which had not been abrogated without the assistance of foreign bayonets; he went to France for the assertion of his rights, and landed openly and at the risk of his life at Boulogne as his uncle did at Cannes—the only difference was that he did not succeed, and that, according to the hon. Member who moved the Amendment, was decisive against him. Louis Napoleon landed openly with a handful of men, and risked his life bravely—and if he had succeeded he would have had the reputation of having done one of the most heroic things recorded in history. Between his conduct, therefore, and that of assassins who conspired to commit murder for months, and who did not hesitate in the prosecution of their designs to scatter destruction amid a crowd of harmless people, —to throw grenades under a carriage in which a lady was seated beside the object of their atrocious designs—there

was the widest possible difference. But, passing from that view of the subject, he was prepared to support the measure under the notice of the House upon the ground that the object which it sought to effect was perfectly in accordance with international law as well as in conformity with the municipal law of this country. That it was in accordance with international law was a proposition which was established by the writings of a great authority—Vattel. The House would bear in mind that a foreigner residing here and owing temporary allegiance to the Crown was legally, for the present purpose, on the same footing as a subject of the Crown. Vattel said :—

"Since the Sovereign ought not to suffer his subjects to molest the subjects of other States, or to do them an injury, much less to give open audacious offence to foreign Powers, he ought to compel the transgressor to make reparation for the damage or injury, if possible, or to inflict on him an exemplary punishment; or, finally, according to the nature and circumstances of the case, to deliver him up to the offended State, to be there brought to justice. This is pretty generally observed with regard to great crimes, which are equally contrary to the laws and safety of all nations. The Sovereign who refuses to cause reparation to be made for the damage done by his subject, or to punish the offender, or, finally, to deliver him up, renders himself in some measure an accomplice in the injury, and becomes responsible for it."

The extract which he had just read served to show that there was nothing in the proposal of the noble Lord at the head of the Government which was opposed to international law, while it was equally clear that it was not at variance with the criminal law of England, inasmuch as under the operation of that law, as it at present stood, two or more persons conspiring here to commit murder in a foreign State were liable to be indicted for a misdemeanour. To amend the law, therefore, so as to make the punishment more adequate to the heinousness of the offence was to take a step which would, in his opinion, be in no way a departure from the principles of our legislation. The present Bill would not make that a crime which was not at present one; and how absurd it was that a man who broke into a house and stole a trifling amount of property was liable to the punishment of penal servitude, while those who conspired against the life of a foreign Sovereign escaped with a sentence of fine and imprisonment. He wished, also, to observe that the laws relating to conspiracy seemed to him to be ineffectively enforced by the police. It was well known that secret societies, which were nothing but standing conspiracies against the lives of foreign Sovereigns, existed in this metropolis, and that the efforts of the police to discover and suppress them were of no avail, because they were composed of persons who were adepts in the arts of the conspirator. Orsini, for instance, had published a book in which he stated that he had at the age of twenty-five become a member of a secret society, and that he had from that time never ceased to conspire against the Government of Austria. That fact showed how well trained such men were to the work of concealment; while, as an instance of the facility with which they escaped detection, he might mention the case of Foschini, who had stabbed three or four different persons within a few yards of a crowded thoroughfare, and at so early an hour as eight o'clock in the evening, and had never been apprehended. Foschini had been deputed by a secret society to commit the crime, the only cause being—as two of those whose lives had been endangered had informed him (Mr. Bowyer)—that they had refused their concurrence in certain views which had been advanced by a particular section of the society to which Foschini belonged. Having made his murderous attempt upon the lives of these men he had rushed into the street, and so secure did he appear to have felt that he should not be captured that he proceeded home that night to his lodgings, and, having slept there, took his departure in disguise after breakfast the next morning, everything having been prepared for his escape. He (Mr. Bowyer) recollected that some time subsequently to the commission of the crime he had put a question to the right hon. Baronet the Secretary for the Home Department upon the subject, to which he had received in reply the expression of an assurance that Foschini would be taken by the police; and he had since ascertained that at the very time when that answer was given Foschini was in Walworth, within a very short distance of where they were at that moment sitting. The murderer was never taken, for the Government reward of £100 gave the persons concerned reason to believe that some political motives were suspected, and money was accordingly forthcoming to get the man out of the country. Within the last few days he had been told that the victim of what had been called "the Waterloo Bridge tragedy" was a French

detective who had come over here to look after some of the refugees, and who was in consequence murdered by them. All this showed some defects in our police force, which required amendment. Now, he did not recommend anything like espionage. But as a conspiracy to stir up rebellion in a foreign country or to murder a foreign prince was a misdemeanour by the law of England, why were not the same vigilance and care taken to prevent that offence as was taken to prevent other misdemeanours? That was the real point to be looked at, and he must say he thought our police should take more care to cope with the craft and contrivance of these conspirators, and that further measures should be adopted in order to prevent these offences. He supported this Bill most strongly, because it changed nothing in the spirit of our law, but only amended it—because it did not affect the right of asylum in the slightest possible degree, and because it was a measure which he believed to be requisite for the peace of Europe, and also for the better protection of the honour of this country.

MR. W. J. FOX said the hon. and learned Gentleman had told a long story as to the defects in our own police system; now he (Mr. Fox) would match that story by an inquiry into the efficiency of the French police. That portion of the late infamous attempt on the Emperor of the French which took place in this country was perfectly open. Machines were manufactured in Birmingham; Colonel Dixon, of the Small Arms Establishment at Enfield, was acquainted with the new sort of grenade which was to be produced; and the whole affair was perfectly above-board until the parties possessing these instruments of destruction found their way to Paris, and there attempted to perpetrate their crime. Now, the atrocious attempt at assassination which had occurred might be called the occasion for the mandate which had reached us from across the Channel; but he thought it could not be called the cause. We had all heard for some time past murmurings upon the continent of Europe—from Austria, France, and Naples—as to the asylum afforded to political refugees in this country. A violent desire had long been expressed to put an end to our free and hearty reception and protection of these fugitives, and we must therefore look further for the cause. Now, there were those who did not object to wade through slaughter to a throne, and it was in the common course of things that they should fear to be hurled by slaughter from that throne. He confessed he did not think that such persons had any particular right to call upon their neighbours to keep watch and ward over their safety. Assassination was not an English crime; it did not grow on English soil; it was not breathed in our atmosphere. It was said that the assassins went out of England; but how did that happen? They first came into England. They came from countries administered by Governments which made assassins, and which, for that reason, dreaded the return of assassins. But if you treated a man with injustice, with continued harshness and cruelty, you embittered all the springs of life in him, and might, perhaps, in time transform a good citizen and member of society into an assassin. This was a very practicable operation. His objection to this Bill was, that it made an alteration in our law in compliance with an external pressure. He also objected to it in consideration of the feelings and the comfort of hundreds and thousands of refugees who had found an asylum here. There might be among these persons who were capable of plotting, and even perhaps of executing assassination. He believed them to be a very small number indeed. There were other refugees who were looking patiently for the time when other days should come, and when men should rule in their own country who would do them justice. Many of them were waiting here for that time with the strictest patience which could possibly be exercised. There were others who had given up all hope whatever of returning to their own country, who made themselves at home here, and who strove by honourable employment to earn for themselves and their families an honest subsistence. Now, he asked, what would become of all such persons if we shook their feeling of security by the enactment of anything like a new law? They would not, indeed, be within the range of your new Bill; they would not conspire to commit murder here or elsewhere; but their feeling of security in the unchangeableness of British law would be shaken to its foundations. You would spread a cloud over their dwellings—you would carry anxiety and apprehension into their bosoms—you would give rise among them to a feeling of bitterness and of insecurity which would go far to destroy their enjoyment of the hospitality now afforded here. He said of insecurity, for they might say, if this was done to oblige

France to-day, what might not be done to oblige Austria to-morrow? After that, something might perhaps be done to oblige the King of Naples. Such a thing once begun, there was no telling where it would stop. The first step was now proposed after such threats as he should have thought would have made English blood boil to hear them; and the first step was a pattern for the second. Those who submitted to be dragooned into one law might be cajoled or threatened into another, and thus it might go on until there would be no longer any difference between this country and others which had enjoyed no such freedom and afforded no such asylum. Look at the example we were setting to other nations. If England gave way, what could we expect Belgium to do? What Switzerland? What Sardinia? Why, one after another they might all imitate this subserviency; there would not be a place on the soil of Europe where a political exile could set his foot. And we should have commenced the disgrace of setting an example to those weaker States; we should have levelled ourselves to the position of a secondary and fearful State, one ready to comply with any demand made by others; we should have set the example to Belgium, Sardinia, and Switzerland; we should be the first to lead on the dance of feeble States in this progression of infamy!

MR. GILPIN regretted, on some accounts, the character of the Amendment which had been moved by the hon. Member for Bridgewater, for he had rather the question had been met broadly upon its merits with an emphatic denial of leave to introduce the Bill within those walls. He hoped it would not be necessary for him or any Member of the House, in expressing his intention to oppose the introduction of this measure, heartily to disavow any approval, direct or indirect, of the infamous and diabolical deed perpetrated in the streets of Paris. From the bottom of his heart he abhorred assassination. He believed that liberty was not served by the success of such deeds, and he was sure that in their failure they only made more strong the arm of despots and more heavy the chains of the oppressed. He objected to the introduction of this Bill, because he believed it utterly unnecessary. He would quote the language of a distinguished legal authority—the Lord Chief Justice—that the law as it at present stood gave the Government all the power they ought to have. It appeared to him that that was a sufficient answer to the noble Lord at the head of the Government when he proposed to alter the existing law, on the ground that it was insufficient. The law of England on this subject had been unchanged for many generations and throughout varying circumstances, affecting both England itself and the continent of Europe, and it had always been deemed sufficient. It was deemed sufficient many years ago, when the present Emperor of the French was a refugee in this country, and he found no fault then with the law of England in reference to refugees; and when he planned a descent upon the shores of France at a time when France was as much our ally as she was at the present moment, and when he executed that attempt, and with his own hand shot a soldier on landing at Boulogne. After the commission of that crime the present Emperor was received with open arms by England; here he received protection, and he then found no fault with the refugee law of this country. He (Mr. Gilpin) was not about to revile the Emperor of the French. [*Laughter.*] He was merely stating facts which none of the laughers opposite could deny, and he repeated that he had no wish to revile the Emperor of the French. It was enough for him to know that the Emperor had been placed in his present position by the people of France, and he (Mr. Gilpin) was too strongly impressed with the conviction that the interests of this country were best consulted by an abstinence on the part of its rulers from interference in the affairs of foreign States to find fault with the Emperor of the French, as Emperor, so long as he was tolerated by the French nation. He (Mr. Gilpin) further objected to the proposed alteration of the law on the ground that it was not real. There was a very expressive word which had been pronounced by high authorities to be not exactly Saxon; but it was better than Saxon—it was expressive. He alluded to the word "sham," and he believed the suggested alteration in the law was a "sham," for, though he did not mean to impugn the motives of the noble Lord in introducing the Bill, if it went no further than was at present proposed, it would not effect the purpose it purported to accomplish. Those who had watched the criminal jurisprudence of this country knew well that the detection and conviction of crime were not rendered more certain by severity, and he was sure that unless a further step in legislation were

taken to please the Emperor of the French, by admitting something like the French law of evidence, and adopting the system of French espionage, the law would be a dead letter. It might deceive the Emperor of the French; the noble Premier might himself be deceived by it: but for all practical purposes it would be a dead letter unless the Commons of England were prepared to do what he hoped they never would consent to do—to sacrifice upon the altar of mistaken political expediency the great principles of freedom which had distinguished the British nation. He hoped those who thought with him would oppose the Bill in every stage. Did the noble Lord suppose that, if he succeeded in carrying the Bill he had submitted to the House, this would be the last suggestion we should receive from across the Channel? There were monarchs in Europe—he would not instance the King of Naples, who might not perhaps be strong enough—but there were monarchs as powerful as the Emperor of the French who might ask for modifications in our laws. He (Mr. Gilpin) maintained that the will of a foreign monarch ought not to be the standard of English law, and he conceived that they would abandon the high position which as the Commons of England they held, and ought to hold, if in accordance with any such suggestions they altered the fundamental laws of this realm. He believed that those who opposed the Bill of the noble Lord would be supported by the voice of the country. He remembered, and probably many Members on both sides of the House would also remember, certain acts on the part of Secretaries of State for the Home Department which compromised the right of asylum of illustrious exiles, and which even caused the heads of noblemen to roll upon the bloody scaffolds of down-trodden Italy, and the people of England were not slow to express their opinion as to these acts. A noble Lord had in another place expressed a strong opinion, which he hoped would be endorsed by hon. Gentlemen on both sides. That noble Lord, who was the leader of a great party, had uttered these true English words, which had found, and he was persuaded would find, an echo in every British heart:

"Not for the security of the Sovereign of France, or of all the Sovereigns of Europe twenty times over, would I consent to violate in the slightest degree that sacred right of asylum to foreigners by which our history has always been characterized."

Mr. Gilpin.

These were the words of Lord Derby; but he (Mr. Gilpin) might also remind the House of the language used by Lord Hawkesbury in 1802, when a demand, somewhat similar to that now put forward, was made upon this country.

"Our Government," said Lord Hawkesbury, "neither has nor wants any other protection than what the laws of the country afford; and though they are ready and willing to give to every foreign Government all the protection against offences of this nature which the principles of their laws and constitution will admit, they can never consent to new-model their laws or to change their constitution, to gratify the wishes of any foreign Power." He (Mr. Gilpin) thought the only answer to Count Walewski's letter which would be honourable and becoming on the part of that House would be, that they heartily regretted the crime that had been attempted; that they rejoiced it had not been attended with success; but that it was wholly foreign to the interests and the custom of England to modify its laws upon the application of any foreign Power. He was satisfied that those who opposed this Bill and defeated it, would best serve the reputation of the noble Premier himself, and the defeat of the Bill would conduce to the honour of the country, to maintain the character of that House and the dignity of the Crown.

SIR JOHN WALSH thought there was a very obvious distinction between the right of asylum and the abuse of that privilege for the purpose of concocting the most frightful crimes that could be imagined—a distinction of which the hon. Gentleman who spoke last appeared to have lost sight. The right of asylum involved the honour and character of England, and it was one which no foreign Power having any knowledge of the spirit of English institutions could ask us to forego. But there was a great distinction between the right of asylum extended to refugees who might have been forced by political causes to quit their own countries, and the protection of atrocious criminals who matured within the British dominions the most execrable projects. He contended that, while they maintained intact the right of asylum, they ought to listen with considerable indulgence and attention to the representations of a friendly Power—a tried and proved ally—which pointed out the great danger to which its Government had been exposed by conspiracies and plots concocted in this country. It had been argued that the existing law applied to such offences, and to persons who benefited by the asylum extended over them

and at the same time violated our laws. Was there, then, anything very extraordinary in the adoption of measures to enforce stricter penalties against such persons? Could it be considered that we were yielding to the dictation of a foreign Power when by additional penalties we merely enforced our own laws against those by whom they were basely violated? The distinction was so obvious that no sophistry could place it in any other light. He had heard with great regret to-night, as well as on a former occasion, the most virulent sarcasms directed against the Emperor of the French. He (Sir John Walsh) was not about to put himself forward as the champion of the Emperor, whose acts had earned for him the love and confidence of one of the greatest nations of Europe, and whose character he would leave to be defended by his own countrymen; but he must say the Emperor Napoleon was the most true, sincere, and faithful friend to England and the English alliance who had sat upon the throne of France since 1815. Let the House compare with the Emperor, in this respect, the elder branch of the Bourbons who were restored to their throne by the English, and contrast their sincerity and ardour of friendship to England with those of Napoleon the III. Then, with regard to Louis Philippe, did he exhibit so much sincerity and good faith to this country? That monarch rather tricked and overreached England in the affair of the Spanish marriage; but the Emperor Napoleon, ever since he had presided over the Government of France, had adhered most faithfully to his treaties, and been most cordial in all his relations in reference to this country. Speaking, first, of his private demeanour—though that was a subordinate topic (and yet some inference might be drawn therefrom as to the real nature of his public feeling towards this country), —everybody knew that Louis Napoleon dwelt here in a private capacity during many years of exile; he was acquainted with a great many individuals, some in the very highest ranks of society, others in very subordinate and comparatively obscure position; but no one who had the opportunity of conferring a kindness on him in a period of his adversity and obscurity in this country was ever forgotten by him: let that face be presented at any distance of time—let that person but come across the Emperor Napoleon — and he would find that the memory of that monarch had this admirable quality, that it had an indelible recollection of any act of courtesy that he had received. He mentioned this amiable trait as some reply to those sarcasms which, with very little taste and delicacy, had been lavished against the Emperor. But, to advert to what was more important—namely, the Emperor's public policy,—he reminded the House that the Emperor had adhered to his alliance with this country with the utmost honour and fidelity. The hon. Gentleman the Member for Sheffield (Mr. Roebuck) the other night talked a great deal about his affection for the people of France, and had drawn a distinction between the people and the Emperor. He (Sir John Walsh) was afraid that some day the hon. Gentleman would find himself the victim of an unrequited affection. The people of France were neither fond of the hon. Member nor of the English people to the extent he supposed; but if at any time there appeared the chance of any animosity springing up between the French people and this country, the Emperor had exerted all his influence to allay such a feeling. During the whole of that great struggle in which France and England were engaged as allies, nothing could equal the fidelity and honour with which the Emperor carried out his engagements. At one time the Russian war was unpopular with the French people, and nothing but the great ascendancy of the Emperor's name and his energetic character could have induced them to continue the war. The noble Lord the Member for London would recollect that when he and M. Drouyn de Lhuys agreed to a certain basis of peace to be submitted to their Cabinets the Emperor of the French refused to ratify the terms, not because he disapproved them himself, but because the opinion of the British Cabinet was strongly pronounced against them, he stood by his engagement, and the English by the assistance of the French were enabled to bring the war to a triumphant and happy issue. He thought, then, that the Emperor, who acted with such cordial friendship towards this country, had some right, when his capital was convulsed with alarm and horror at a crime which was attempted to be accomplished at the risk of the lives of a multitude of unoffending women and children, to expect that this country, his ally, would — not give up the right of asylum, or change its laws—but afford him some protection from assassination. He was not lawyer enough to follow all the details of the Bill,

[*First Night.*

but he thought it desirable to effect the desired object with as little change of the existing law as possible; and he conceived that the Bill would not alter the spirit of the laws, but only render more severe the penalty attached to the offence to which it had reference. The House could at least give the noble Lord leave to introduce his Bill, and might afterwards consider carefully the details.

Lord ELCHO said this was a question on which he had a strong feeling, and on which he did not like to give a silent vote, the more unwilling because he could neither agree with the Amendment, nor with the measure which the noble Lord had thought the circumstances of the time justified him in introducing. He could assure the noble Lord that it was in no spirit of hostility he objected to the introduction of a measure which he proposed on his responsibility as Minister of the Crown. The hon. and learned Gentleman who moved the Amendment (Mr. Kinglake) objected to the proposition of the noble Lord on two grounds: first, because they were asked to legislate at the instance of the French Government, and the second because they had not sufficient information before them on the subject. Now he confessed that if any sufficient cause had been shown for the necessity of this measure, he would not reject it simply because it was asked for by the French Government. Nor did he see much use in having any more papers laid before the House—he did not see how they could throw any more light on the subject. There were two things which he thought the House had now to consider—the one was the state of the law, and the other was the point of time at which the Government proposed to make the change. Now, being no lawyer it would be presumptuous in him to attempt to define the state of the law to the House; but it was plain that there was the greatest possible doubt among our legal authorities as to the state of the law on this question. They had the Government bringing in this Bill on the avowed ground that the law was insufficient; while in another place they had Lord Campbell and Lord Brougham declaring that the law as it stood was quite sufficient for all purposes. Now, this being the state of that question it appeared to him that they would act very hastily if they proceeded to alter the law without being satisfied that it was insufficient. The noble Lord himself in bringing in the Bill did not say that the existing law was insufficient, but that it was never brought into operation. That of course did not prove it to be insufficient, and they ought not to alter it without inquiry. He came next to the question of time; and to this he attached very great importance. On the very first day of the Session, immediately after the speech of Count de Morny in the French Chamber, the noble Lord came down to the House and gave notice that he would to-night move for leave to bring in a Bill upon the subject. This notice of Motion appeared concurrently with the appearance in the *Moniteur* of the addresses from the French Colonels. Now, taken in themselves these addresses were, perhaps, nothing very extraordinary; but the fact of their appearing in the *Moniteur* did give the matter a very great importance, for, as had been stated by his hon. and learned Friend, and as had before been stated by Lord Hawkesbury in 1802, on a somewhat similar occasion, the *Moniteur* was as much the official organ of the Government as the *London Gazette*. It did not matter whether the offensive matter was contained in the *partie officielle* or the *partie non officielle;* there could be no doubt that all these addresses had been sent to the Generals commanding the districts, by them to the Minister of War, and had been by him transmitted to the office of the *Moniteur*. No doubt these officers were ambitious of promotion; and, in fact, he had observed in the French papers the other day, that the colonel, from whom one of the most violent of these addresses had emanated, had been decorated with the Legion of Honour. But then, publications in the *Moniteur* had a material bearing on the question of time. It appeared to him that there was the more reason for objecting to hasty legislation at a time when the public opinion of Europe was called to those addresses, and would convey the impression that this legislation was somewhat under compulsion. It was all very well to talk of public opinion in France; but there was a strong public opinion in England, too, and wherever they went they heard people saying, "Surely this is hasty, and it may compromise the right of asylum." Now, as regarded that right, he thought it would be impossible to persuade the people of England that they would ever violate it. But still he thought the honour and dignity of the House were engaged in not taking any step that would look like even an approach towards that violation. It appeared to him that a not unreasonable

course would have been for the House, instead of introducing suddenly a measure of this kind, to pass a Resolution, stating its horror and detestation of the crime that had been attempted against the person of the Emperor, and that, while it was determined to maintain inviolate the right of asylum, it would also punish those who, at any future time, might be found guilty of such crimes, and even to amend the law if it should be found insufficient. But as the state of the law, in the opinion of lawyers, was doubtful, it was desirable that a commission should be issued to inquire into the subject, and to report with all convenient speed. If that were done, they would be in a position to show that they had not acted hastily, while they had done all that was necessary to be done to render the law efficient.

MR. ROEBUCK: Sir, although I am very much inclined to move the adjournment of the debate, yet, as it is desirable that the matter should be brought to a conclusion as soon as possible, I will throw myself on the indulgence of the House, and, even at this late hour, state my opinions on this very important question. It appears to me that we have before us two questions—first, does the law require any alterations? Scondly, is this the right time and mode for making it? Now, I will confine myself to these two questions. And, first, I would ask, does the law require any alteration? But before I address myself to that question, I would ask the House to consider with me the real position of our country at the present time. The whole of Europe, with the insignificant exceptions of Belgium and Sardinia, is, at the present time, subject to despotism. The two islands of Great Britain and Ireland are the only spots in Europe in which freedom of language and freedom of action still exist. We are an oasis in the desert. That desert has grown from day to day and from hour to hour, within my recollection. Despotism has been daily narrowing the sphere of liberty in Europe, and we are now in the proud position—though I will say that it is for the human race a lamentable one—we are in the proud position of being the sole depositaries of liberty in Europe. If England were stricken down to-morrow, do you think Belgium and Sardinia would exist for a day? Well then, Sir, I say that, for the sake of mankind, it becomes us duly to consider what we are asked to do, lest we should do anything to circumscribe the liberty of England. This country is at present the asylum of all oppressed people—not, as has been said, that people of every description may come to England, for England has entered into treaties to give up criminals; but we do not give up political criminals; that is the great distinction. Such then, Sir, is our position; such is the position of Europe; and it is at this time that we are called upon to alter the law of England. It has been our boast for ages that we have given an asylum, a safe asylum, to every political offender; and mark the words "political offender." What then, Sir, is the present state of the law? It is this, that conspiracy is a crime. Conspiring to do an illegal act, or conspiring to do a legal act in an illegal manner, is a crime according to the law of England. There is only one case in which the crime of conspiracy is erected by the law of England into a capital offence, and that is, the case of high treason. Conspiring to kill the Sovereign is the crime of high treason. The crime does not consist in killing the Sovereign, but in conspiring to kill the Sovereign. As has been stated already in another place, it is well known to every lawyer that in the case of those who, in the days of Charles the Second, were called the "regicides," and who were indicted for bringing King Charles the First to the block, the indictment was for conspiring to kill the King, and the cutting off his head was laid as an overt act. That is the sole case in which conspiracy has been erected into a capital offence by the law of England. Our law of conspiracy is this—that whatever crime men conspire to commit the mere conspiring is a misdemeanour punishable with fine and imprisonment. Now, Sir, let me be understood. Two men come together, and they conspire together to kill A B. If one of them only killed A B, then the one who conspired, and did not kill him may be indicted as an accessary before the fact; but if they have only conspired, the conspiracy is a misdemeanour punishable by fine and imprisonment. Such is the law. Now, such being the law what has occurred to induce us to alter it? For a long period we have gone on from time to time ameliorating—that is rendering less cruel—the law of England. We have learnt by experience that in order to make a law efficient, you must make discovery certain, and the infliction of punishment certain; and we have found that when punishments are severe there is great

difficulty first in discovering the criminal, and next in bringing him to justice. I will take the case of forgery. The punishment of that offence has in my time undergone a complete change. I recollect hearing when I was a youth of many persons who were at that time executed for the crime of forgery. At length it became almost impossible, not merely to find out forgery, but to convict a forger. We then went back to the very origin of the disease, and we ameliorated the law; we rendered the punishment less severe, and thereby increased the efficiency of the law, making the crime more certain of detection, and the punishment more certain of being inflicted. Now, Sir, the noble Lord (Viscount Palmerston) asks us to pursue a contrary course. He says, "there is a crime which, with a mild punishment, we have been unable to find out," for that is the real state of things—and, therefore, I ask you to increase the punishment. I ask is that rational? A great crime has been perpetrated. What was done in England? I will suppose that certain people conspired together in England to kill the Emperor of the French. We have no evidence of that yet—none whatever. No man has been tried; there is nothing before the world except the vague statements which have appeared in the newspapers. We know that a crime has been committed, but we know nothing certain as to the persons who committed it; we know not where they concocted the crime; we know not whence they obtained the means of perpetrating it. But I will take the statements in the newspapers for granted. I will suppose that the crime was concocted in England. Then what was the overt act? I will suppose that it was going down to Birmingham, and getting made there certain grenades or projectiles. The man who made them received the order openly, and when he went to Enfield he spoke of the peculiar projectiles which he had been employed to make, and he asked the officials if they knew anything about them?—showing that he knew nothing about the purpose to which they were to be applied. The officials at Enfield told him that they knew nothing about them; but as soon as the attempt made at Paris became known here, their attention was called to the circumstances, and it was suggested to him that he had made the projectiles which were thrown under the Emperor's carriage. Now, Sir, was there anything there which an increased severity of punishment could have brought to light? Supposing that you had in force the law now proposed—suppose that any man who conspired to kill the Sovereign of France would have been guilty of felony—would that have rendered the discovery of the crime one whit more easy? If you tell me that the severity of the punishment would have induced these persons not to commit the crime, I ask you to go with me across the water. There the crime was carried to its consummation; there the crime was punishable with death; and though the punishment of death stared them in the face, these men committed the crime. What then, according to the reasoning of the noble Lord (Viscount Palmerston), ought they to do in France? Why, the crime not having been prevented by the fear of death the punishment of torture ought to be added to the existing punishment. If an addition to the punishment here be necessary, an addition to the punishment in France is also necessary. The only punishment you can add to death is torture; therefore, according to the principles of the noble Lord torture ought to be introduced into the French land. I want this statement to be answered. Hon. Gentlemen may sneer; but there is a great difference between sneering and answering. I say the law as it at present stands in no way prevents discovery, and the law as it is proposed to be altered would in no way facilitate discovery. Discovery is the only thing that is wanted. The Emperor of the French points to that in the despatch that has been laid upon the table. He asks that you should alter your law of police—in other words, that you should introduce the French system of police. I ask what the French police did on this occasion? Why, in the very face of that organized body, who are banded together to keep down liberty and to keep it under the heel of the despot—in the very face of a body thus trained, thus armed, thus accoutred in every possible way for the purpose of trampling down a nation in the dust—these things were prepared, and thrown near the Emperor, to the great danger of his life. All this, I say, was done in spite of his terrific police. And then, when his police fails, he turns upon us and says, "Oh, but England is a den of assassins, for she has sheltered these men, from English shores these wretches have come, and you must alter your police law." And why do I say

that the Emperor of the French calls England "a den of assassins?" Because that expression has found its way into the *Moniteur*. It would not have found its way there but for the permission of Louis Napoleon. He is answerable for everything there said, and I fix upon him the responsibility of insulting my country. That he, too—he of all men upon earth—should dare to insult England!—he who has partaken of our hospitality, who has been sheltered by our fostering power! What, after all this, has he done? Oh, he sets a bright example to England. There was a man who conspired to kill England's great hero, the late duke of Wellington;—this was a man great too, but fallen in his greatness—and no one act of his life was, I think, so thoroughly inconsistent with that greatness as his leaving a legacy to the man who had attempted to assassinate the Duke of Wellington. The only explanation of, the only excuse for, that deed was, that the great Napoleon's mind was shaken to its foundations. I do not believe that Napoleon would in his right senses have perpetrated so infamous an act. But that man, who has received the protection of England, who has come here after attempting crime after crime against his native land—that man when he had climbed to the height of power at which he has now arrived—what did he do but pay to his foiled assassin the wages of his intended dirty deed? [Mr. BOWYER: No!] Oh, I have heard the hon. and learned Gentleman defend the King of Naples. This man (Cantillon) is now living in Paris, and it was publicly and ostentatiously announced that the present Emperor of the French had paid him the legacy which was left him by the great Napoleon for attempting to assassinate the Duke of Wellington. When these panegyrics are thus profusely scattered in the English House of Commons by the hon. Baronet over the head of Louis Napoleon, I hope he did not recollect this fact. [Sir JOHN WALSH: I had not heard of it.] The hon. Baronet says he had not heard of it, yet he pretends to speak on this matter. But, Sir, if it were necessary that this alteration should be made in the law, I now come to ask if this is the right time? And now, Sir, I will address myself to the noble Lord; and I will ask him how it is that he is in his present position? He is there because the people of England believed him to be the enemy of despotism in Europe. Yes, that is the reason the noble Lord is there. I recollect saying before the noble Lord came into office that he alone might constitute a Ministry—that with a row of ciphers by his side he might be the Prime Minister. So popular was he with the people of England, that I said he might go into the streets and select whom he liked for colleagues; and in order to prove the truth of what I stated the noble Lord has pretty well acted upon it. But such, Sir, was the character of the noble Lord. The people believed that he was a thorough English Minister, and that the despots of Europe trembled before him. They thought that the dignity, the honour, and the name were safe in his keeping. How does the noble Lord fulfil the expectation of his country? Why, an offence has been committed in France, for which the French police alone are responsible; and the Emperor of the French turns round and insults the people of England—nay more, he not only insults them, but by his satellites he threatens them. The noble Lord tells us to-night that he has got a despatch which says that the Emperor entirely disclaims the publication of those letters in the *Moniteur*. I should like to know the date of that despatch. I should like to know if it has not arrived since last Friday? I should like to know if it has not arrived in consequence of a certain statement made in the Count de Persigny's ear; and if, in fact, the noble Lord has not told the Emperor that there is rising a feeling in the people of England that he has insulted them, and that an indignity has been cast upon them with his cognizance? What is the time at which this proposal for an alteration of the law is made? The Emperor of the French, after the attack made upon his life, received addresses from certain bodies of his army. We are told that the Emperor is accustomed to receive letters like those to which I am referring; but he has gone through many occasions like the present. I never said anything against the French army addressing to him any letters they liked—that is no business of mine—but there is nothing said about their publishing them on those former occasions in the *Moniteur*. How came those letters there? They came there by the order of the French Emperor. Why, in a country in which no man dares to say that his soul is his own, do you mean to tell me that any Minister would dare to publish

anything but what the Emperor liked? Do you think that the Count de Morny or the Count de Persigny would do anything that the Emperor would dissent from? Not a bit of it. They receive their inspiration from the Tuileries. The great god on those occasions is Louis Napoleon; and it is he, speaking through his Minister, who has insulted the people of England. He asks that our laws may be altered so as to punish those who sent the assassins over. What does he mean by that? Does he mean to say that the people of England send anybody to assassinate people anywhere? Do we not know that Mr. Fox told the first Napoleon that there was a conspiracy against his life; and do you think that we are different from our ancestors? God knows that we are degenerating fast, but I do not think we have yet sunk so low that we would send anybody to assassinate any Sovereign, be he our enemy or our so-called ally. The people of England are a brave people. They put down one Napoleon, and they are not afraid of another. We are told that Louis Napoleon is our ally. Is it the business of an ally thus to use his friend? Is it showing friendship and kindness to us to accuse us of these atrocious acts? And when I say "to accuse us," I distinctly reiterate and reassert that Louis Napoleon is responsible for those insults upon the British people. I say then, Sir, that this is not the time when the House of Commons ought to consent to an alteration of the law, supposing for the moment that the alteration were a good one, which I deny. There have been times in our history when great resistance has been made to powerful enemies abroad, and if the shades of those who have passed away still retain a particle of human feeling, how must the shades of those who resisted Philip II., who resisted Louis XIV., who resisted the first Napoleon, look down now upon the House of Commons employed at the dictation of a French Emperor to alter the law of England! I say that we are not yet so degenerate as to send anybody to assassinate either a friend or a foe; but if we submit to this indignity which is now sought to be put upon us, God knows we shall be degraded. I say that for us, the great people of England, to alter our law upon threat would be a humiliating sight for mankind at large; and it is because I deem it a degradation and a humiliation that I oppose this Bill on its very first introduction, and call upon you, as freemen and as the great protectors of the oppressed in Europe, to throw out the noble Lord's Bill with all the ignominy which it deserves.

On motion of Mr. WARREN,

Debate *adjourned* till *To-morrow.*

BANK ACTS.—COMMITTEE NOMINATED.

On Motion of the CHANCELLOR OF THE EXCHEQUER it was

Ordered, That the Select Committee do consist of Twenty-five Members.

The list of the proposed Members having been read over as follows:—The CHANCELLOR OF THE EXCHEQUER, Mr. DISRAELI, Sir JAMES GRAHAM, Mr. SPOONER, Sir CHARLES WOOD, Mr. GEORGE A. HAMILTON, Mr. GLADSTONE, Mr. CAYLEY, Sir FRANCIS BARING, Mr. VANCE, Mr. CARDWELL, Mr. BLACKBURN, Mr. WILSON, Mr. HORSFALL, Mr. WEGUELIN, Mr. HANKEY, Mr. HOPE JOHNSTONE, Mr. ENNIS, Mr. PULLER, the Earl of GIFFORD, Mr. FERGUS, Mr. JOHN L. RICARDO, Mr. PRICE, Mr. M. TUCKER SMITH, and Mr. GLYN;

Motion made, and Question proposed, "That the Chancellor of the Exchequer be one of the Members of the said Committee."

MR. CAYLEY suggested that the hon. Members for Bath (Mr. Tite) and Cambridgeshire (Mr. E. Ball) should be added to the Committe.

THE CHANCELLOR OF THE EXCHEQUER said, that he had substituted the hon. Member for Liverpool (Mr. Horsfall) for the hon. Member for Cambridgeshire, because it had been represented to him that there was a want of commercial members on the Committee. He had no personal object in the nomination, but he submitted that the Committee was already a large one.

MR. GREER hoped that the Chancellor of the Exchequer would not insist on the nomination of the Committee on that evening; if he did, he (Mr. Greer) should move the adjournment of the debate. He hoped that mercantile men and the representatives of the railway and shipping interests would be added to the Committee.

MR. BENTINCK said, that one would imagine, from what was constantly said in that House, that England was composed of nothing but cities and boroughs, and he must enter his protest against the system which is now invariably adopted of endeavouring to supersede the agricultural interest in Committees. He hoped the name

of the hon. Member for Cambridgeshire would be re-inserted.

MR. TITE said, he did not complain of any personal discourtesy in his name being omitted from the Committee; but, being connected with the joint-stock bank interest of the City of London, and having diligently attended the sittings of the Committee, he should have been glad to continue to be a member if the public interests had required his attendance.

MR. BALL said, he could not suppose that any personal discourtesy was intended to him. It happened, however, that eighteen out of the twenty-five members of the Committee were connected with commerce, and it was not fair to the agricultural interest that it should only be represented by seven members.

THE CHANCELLOR OF THE EXCHEQUER disclaimed any feeling of personal discourtesy towards the hon. Gentleman (Mr. Ball), whose good temper and urbanity were recognized by Members on both sides of the House.

MR. HENLEY said, he could not admit that the agricultural interests were not deeply interested in this question. The question of the country banks was involved, and it was ill-judged to put off from the Committee an hon. Member (Mr. Ball) who was so well acquainted with this particular branch of the subject.

MR. CAIRNS believed that great satisfaction would be felt in Scotland and Ireland that the banking interests of those countries were about to be better represented on the Committee than they had hitherto been.

LORD JOHN MANNERS was afraid that much inconvenience would result from the course proposed by the Chancellor of the Exchequer, and that it would re-open the whole question. The only ground named for the exclusion of the hon. Member for Cambridgeshire was that he was an agricultural Member; but he was the representative of the tenant-farmers of England, who were greatly interested in the question. He did not think that any ground had been shown for the exclusion made.

MR. GREER moved the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."

MR. PRICE, as one of the number selected, should say, that while he had no particular desire to serve on the Committee, he thought that some one who represented the joint-stock banks ought to be on it.

SIR JOHN SHELLEY thought that more time should be taken to consider the important question of the formation of this Committee.

THE CHANCELLOR OF THE EXCHEQUER thought that the matter could be disposed of now. If the House thought the Committee should be re-appointed as it stood last year, he had no objection, and would omit the names of the two hon. Members, and restore the two names which he had proposed to omit. The Committee could subsequently be enlarged if the House thought fit.

Question, "That the Debate be now adjourned," put, and *negatived*.

Question, "That the Chancellor of the Exchequer be one of the members of the said Committee," put, and *agreed to*.

Mr. DISRAELI, Sir JAMES GRAHAM, Mr. SPOONER, Sir CHARLES WOOD, Mr. GEORGE A. HAMILTON, Mr. GLADSTONE, Mr. CAYLEY, Sir FRANCIS BARING, Mr. VANCE, Mr. CARDWELL, Mr. BLACKBURN, Mr. WILSON, Mr. WEGUELIN, Mr. HANKEY, Mr. HOPE JOHNSTONE, Mr. ENNIS, Mr. PULLER, the Earl of GIFFORD, Mr. FERGUS, Mr. JOHN L. RICARDO, Mr. M. TUCKER SMITH, and Mr. GLYN, nominated other Members of the said Committee.

Power to send for persons, papers, and records; five to be the quorum.

SIR DE LACY EVANS moved, "That the Select Committee do consist of the following Members:"

Question proposed.

SIR JOHN PAKINGTON moved, that the word "nine" should be substituted for "following." Inasmuch as he had before the Christmas holidays expressed an opinion that the Government had not availed themselves of all the means in their power in sending reinforcements to India, and this was, in fact, a judicial Committee to inquire into the conduct of the Executive, he did not think that he ought to be a member of it. He thought that the proceedings of the Sebastopol Committee were a precedent for those of this Committee, and that it ought to sit *de die in diem* until the whole of the evidence was exhausted, in order that a report might be presented as speedily as possible, to satisfy the public, who, as the noble Lord (Viscount Palmerston) had himself admitted, was entitled to an investigation of the charges of incompetence and dilatoriness against the Executive Government with regard to this subject.

Amendment proposed,—

To leave out the words "the following," in order to insert the word "nine" instead thereof.

VISCOUNT PALMERSTON was in favour of the Committee in the form proposed by the hon. and gallant General rather than in that of the right hon. Baronet; and he was convinced that when witnesses came to be examined it would be shown that the Government did right in the arrangements which they carried out for the transport of troops to India.

SIR DE LACY EVANS said, the right hon. Baronet was mistaken as to the precedent of the Sebastopol Committee, for it did not consist of nine, but of eleven members. He would adhere to the number of the Committee as originally proposed. He did not think the inquiry would be of a very prolonged character; but he had no objection that the Committee should sit daily if the Members thought fit.

Question, "That the words proposed to be left out stand part of the Question," put, and agreed to.

Main Question put, and *agreed to.*

Committee *nominated:*

Sir DE LACY EVANS, Viscount GODERICH, Lord STANLEY, Sir JOHN PAKINGTON, Mr. HORSMAN, Sir EDWARD COLEBROOKE, Sir JAMES ELPHINSTONE, Mr. ADDERLEY, Sir CHARLES NAPIER, Mr. OSBORNE, Captain VIVIAN, Mr. BYNG, Mr. WILLOUGHBY, Mr. CRAWFORD, and Mr. SEYMOUR.

Power to send for persons, papers, and records; five to be the quorum.

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, February 9, 1858.

MINUTES.] PUBLIC BILLS.—1ª Law of Property Amendment.
2ª Trustees Relief; Transfer of Estate Simplification.

LAW OF PROPERTY AMENDMENT BILL.

BILL PRESENTED. READ 1a.

LORD ST. LEONARDS *presented* a Bill for the further Amendment of the Law of Property, and moved that it be read a first time.

LORD BROUGHAM took the opportunity of expressing a hope that the present Session would not be allowed to pass over without some attempt being made to amend the present defective state of the Law of Bankruptcy.

LORD CAMPBELL said, he thought that the law as it stood offered great temptations to traders to contract debts fraudulently and recklessly. If a speculation turned out a profitable one, so much the better for them; if, as was most often the case, it became a losing concern, the worst thing that could happen to the creditor would be for the debtor to go through the Insolvent or Bankruptcy Court. Great care ought, no doubt, to be taken to protect honest debtors, but some additional protection ought also to be given to the injured creditor.

THE LORD CHANCELLOR said, he would remind his noble and learned Friends that while in the opinion of some the law had been too much relaxed in favour of the debtor as against the creditor, he was beset with innumerable applications to support the principle of the measure brought in by his noble and learned Friend (Lord Brougham), which abolished the punishment of imprisonment for debt. If that were done, then he should like to know how the fraudulent insolvent or bankrupt was to be dealt with. He could not be transported; consequently, there remained only the punishment of imprisonment. Granted that the present state of the law was in an unsatisfactory state, he wanted some one to suggest a *tertium quid*, and to say what there was between releasing these parties and letting them go scot free, and putting them in prison. His noble and learned Friend (Lord Campbell) would confer an incalculable benefit on the commercial community at large if he could suggest any other mode than that of imprisonment as a punishment for those who incurred debts fraudulently, or refused to pay their debts.

LORD CAMPBELL: There ought to be a more stringent examination of the debtor in order to ascertain under what circumstances his debts were contracted. At present it was hardly worth the creditor's while to go into court and oppose a bankrupt or an insolvent.

LORD BROUGHAM: No one could feel more strongly than he did the force of the observations of his noble and learned Friend. He agreed that some more stringent law, and a more stringent practice under that law, were necessary to prevent the frauds of debtors, and to put an end, as far as possible, to the unworthy competition of tradesmen to surpass one another, not in the excellence of their goods, but in the facilities of offering credit, whereby they themselves were sufferers in the end, and the morals of the community were greatly injured.

Bill read 1ª.

SANITARY CONDITION OF THE ARMY.—

Lord PANMURE laid upon the table the Report of the Commissioners appointed to inquire into the Sanitary Condition of the Army, the Organization of Military Hospitals, and the Treatment of the Sick and Wounded. The noble Lord said that the Report was a most voluminous one, but he trusted that their Lordships would not be deterred by that fact from giving it an attentive perusal The Report reflected the highest possible credit upon the Commissioners, and he could not allow that opportunity to pass without expressing his high sense of the merits of the document itself, as well as the obligation which he was under to those who had conducted the inquiry. His thanks were especially due to his right hon. Friend (Mr. Sydney Herbert), who presided over the Commission, and he was glad to have that opportunity of bearing his testimony to the diligent, painstaking, and admirable manner in which he and the other Commissioners had fulfilled the important duty entrusted to them by the Crown.

COMMUNICATION BETWEEN HOLYHEAD AND DUBLIN.

QUESTION.

Viscount DUNGANNON said, that in the last Session of Parliament the noble Duke at the head of the Post Office (the Duke of Argyll) gave him the satisfactory assurance that arrangements had been made for establishing a fresh service of sea-going steam vessels for carrying the mails between Holyhead and Dublin, and information which he had subsequently received led him to hope that this object might be accomplished, and the arrangements be in active operation at an early period, at least, in the year 1859. He had since been given to understand, however, that unexpected obstacles had arisen in the way of carrying out the arrangements, in consequence of some differences between the Chester and Holyhead Company and the Dublin Steam Packet Company, and that the probability was that this very desirable object might be indefinitely postponed. He was anxious to know from the noble Duke, then, whether any such obstacles had presented themselves, and if so, whether there was any hope of their being speedily removed, and an object carried into effect which was most desirable for the public at large, and more especially for those who were connected with the sister island?

The Duke of ARGYLL said, he was not aware of the existence of the obstacles to which the noble Viscount had referred. There had been some delays, he believed, in arranging and completing the contract between the various parties concerned; and if any difficulties had arisen he hoped they would be speedily removed.

House adjourned at Half-past Five o'clock, to Thursday next, Half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, February 9, 1858.

Minutes.] New Member—for Birmingham, John Bright, esq., being one of the people called Quakers, made the Affirmation required by Law.

Public Bills.—1° Gaols and Houses of Correction; Conspiracy to Murder.

2° Lady Havelock and Sir Henry Havelock's Annuities.

THE EAST INDIA COMPANY'S PETITION.

Mr. T. BARING *presented* a Petition of the East India Company, praying the House not to give their sanction to any change in the constitution of the Indian Government during the continuance of the present unhappy disturbances. The hon. Member said, that by the rules of the House he must refrain from making any observations or giving any opinion upon its contents, and be satisfied with stating its contents and prayer. He had hoped, however, that considering its importance, some relaxation of the rules of the House would have been permitted him, so far at least as to permit him to move that it be printed and circulated with the Votes; and in that case it would not have been necessary for him to detain the House by referring to the statements and prayer of the Petition, or by moving that it be read by the clerk at the table. In that hope he had been disappointed, and therefore he should perhaps best consult the time of the House by stating shortly the purport of the petition. This Petition was resolved upon by the Court of Directors in consequence of an official intimation from Her Majesty's Government that they intended to introduce a change in the Government of India, by bringing it under the direct authority of the Crown. The Court of Directors, by a large majority, submitted this Petition to the Court of Proprietors, and after several days' able discussion it was adopted

by the Court of Proprietors with very few dissentient voices. It was a very remarkable document, both for the talent which it displayed and for the importance of the subject to which it referred. The Court of Directors had done him the honour to place it in his hands for presentation—not with any idea that his humble position would give weight to the petition, but from the simple fact that he had acted as Chairman of the last Committee of this House which inquired into Indian affairs, and with the wish to prevent any insinuation of the Petitioners being actuated by party motives. The Petitioners commence by reminding the House that they had, at their own expense, and by the agency of their own civil and military servants, originally acquired for this country the magnificent empire in the East; that for the century since elapsed they had governed and maintained our Indian possessions, without the smallest cost to the British Exchequer; that in 1783 Parliament provided that a department of the Imperial Government should have full cognizance of and control over the acts of the Petitioners in the administration of India, since which time the home Government had been conducted by the joint counsels and the joint responsibility of the Petitioners and of a Minister of the Crown; that this arrangement has at various times undergone reconsideration, and careful Parliamentary inquiries made, which on every occasion resulted in a renewed grant to the Petitioners of the powers exercised by them; that the last such occasion was in 1853, when the arrangements which had existed for three-quarters of a century were, with some modifications, re-enacted, and still subsist. That, notwithstanding, the Petitioners have received a notification from Her Majesty's Ministers of their intention to propose to Parliament a Bill for the purpose of placing Her Majesty's East Indian dominions under the direct authority of the Crown—a change necessarily involving the abolition of the East India Company as an instrument of government. That the Petitioners have not been informed of the reasons which have induced Her Majesty's Ministers, without any previous inquiry, to put an end to a system of administration which Parliament, after inquiry, deliberately sanctioned less than five years ago, and which cannot be supposed to have had a sufficient trial: that Her Majesty's Ministers do not impute any failure to these arrangements, or make any charge against the Petitioners; but the time at which the proposition is made compels the Petitioners to regard it as arising from the recent calamitous events in India; that the Petitioners challenge the fullest inquiry into the mutiny of the Bengal army and its causes; they have already instructed the Indian Government to institute such an inquiry, and are anxious that a similar investigation should be instituted in this country, in order that it may be ascertained whether there be anything in the constitution or administration of the home Government which may have had any share in producing the mutiny, or whether it can be imputed to any failure in the existing arrangements; that were it true that these arrangements had failed, such failure is no ground for divesting the Company of its functions and transferring them to Her Majesty's Government, inasmuch as Her Majesty's Government have already a deciding voice, and have frequently exercised the power of requiring the Company to deal with matters, and are therefore fully accountable for what has been done or omitted to be done, and the Petitioners are accountable only for what has been originated or omitted by themselves; that consequently it would be unreasonable to seek a remedy for evils by annihilating the branch of Government which could not be that principally in fault, and transferring it to that which had a decisive share in any errors; that the Petitioners disclaim to vindicate themselves at the expense of any other authority, and claiming full responsibility, they think their responsibility a subject of pride, and are conscious that their advice and initiative have been a great and potent element in the conduct of Indian affairs; and assert that the more searching the inquiry the more patent it will be that their administration has not only been the purest in intention, but most beneficent in act ever known among mankind; that it has been in all departments one of the most rapidly improving Governments in the world, and in particular that at this moment a greater number of important changes are in a state of more rapid progress than at any former period; that such is not likely to be the impression on the public mind by the ejection of the Petitioners at the present moment from their share in the Indian administration; but, on the contrary, that they have so abused their trust as to have provoked a sanguinary insurrection, and nearly lost India to the British empire,

and have, therefore, in deference to public indignation, been deservedly cashiered for their misconduct; that the Company confidently appeal to the verdict of history; but they cannot look without the deepest uneasiness at the effect likely to be produced on the minds of the people of India, who will believe that the abolition of the Company's Government means the abolition of the whole system of administration with which the Company is identified, and, concurring with the introduction of a vast military force, that an entire reversal is intended of that regard for the religious prejudices and customs of the Natives by which the government of the Company has been distinguished—a policy which has been so successful that the heads of the Native states and the general population have remained faithful to the British Government; and it is the conviction of the petitioners that a serious apprehension of a change in policy in this respect would be followed at no distant date by a general rising throughout India. The petitioners then refer to the indiscriminate animosity towards the Natives of India, on the part of our countrymen in India and at home, which has grown up since the recent events, and to the doctrine that India is to be administered for the benefit of the English residents there—whereas it has been the honourable characteristic of the government of the Company that it has acknowledged no such distinction as a dominant and subject race, but has held that its first duty was to the people of India; and that a change in the Government at this time is likely to be regarded in India as a first successful attack on that principle; the Petitioners therefore urge, that even if the contemplated change could be proved to be in itself desirable, the present is a most unsuitable time, and urge such a postponement until a more mature consideration has been given or can be given in the present excited state of the public mind. The Petitioners then refer to the various changes, made after mature deliberation in Parliament, in which the Company have always willingly acquiesced, to the partial relinquishment of trade in 1813, and total abandonment in 1833; to the transfer of commercial assets to the value of upwards of £15,000,000, a sum greatly exceeding the sum repayable in respect of their capital, irrespective of their territorial rights and claims; and to their concurrence in 1853 to the reconstruction of the home Government; and the Petitioners conceive that these several steps were accompanied by conditions which cannot be safely departed from, and pray that legislative sanction may be withheld from any arrangements which do not fulfil these conditions in at least an equal degree. The Petitioners then represent that the home government of India cannot be confided to a Minister without a Council of statesmen experienced in Indian affairs —a knowledge which requires special study and great practical experience; they conceive that such a Council should be not only qualified to advise the Minister, but to exercise, in a certain degree, a moral check, and should have sufficient weight from its constitution, and from its relation to the Minister, to be a substantial barrier against those inroads of self-interest and ignorance from which the Government of India has hitherto been free. The Petitioners cannot conceive a worse form of government than a Minister with a Council which he is not bound to consult; that such a Council would be only a screen, weakening his responsibility, and giving a colourable sanction of prudence and experience to measures in the framing of which those qualities have had no share; that a new Council could not possess the moral influence nor the independence in judgment and act now possessed by the Court of Directors; nor, if nominated by the Minister, that independence of Parliamentary and party influence which has hitherto distinguished the administration of India and the appointment to situations of trust; and therefore the majority of the council should hold their seats independent of the appointment of the Minister. The Petitioners are of opinion that the participation of the council in the administration of India should be a substantial one; that it is indispensable that the despatches to India should not be prepared by the Minister and laid before the Council, but prepared by the Council and submitted to the Minister. They consider the nomination and control of the home establishments essential to the utility of the Council; that the number of the Council should not be too restricted, nor less than the number of the Board of Directors. The Petitioners then express the hope that if a body can be constituted which shall possess these requisites in a greater degree than the Court of Directors, Her Majesty's Ministers may be successful in framing one; but if they shall succeed in showing that the present system unites all these qualities, the Peti-

tioners pray the House to continue the existing powers of the Court. The Petitioners deny the alleged evils of the so-called "double government," and assert its efficiency, and its responsibility to Parliament and public opinion. They point out the admirable qualities of the Indian army, and deprecate any change in its position; and conclude with the following prayer:—

"That your Petitioners, having regard to all these considerations, humbly pray your Honourable House, that you will not give your sanction to any change in the constitution of the Indian Government during the continuance of the present unhappy disturbances, nor without a full previous inquiry into the operations of the present system. And your Petitioners further pray that this inquiry may extend to every department of Indian administration. Such an inquiry your Petitioners respectfully claim, not only as a matter of justice to themselves, but because, when, for the first time in this century, the thoughts of every public man in the country are fixed on India, an inquiry would be more thorough, and its results would carry much more instruction to the mind of Parliament and of the country, than at any preceding period."

The Petition having been read, and ordered to lie on the table,

MR. T. BARING rose and said, I wish to give notice, in reference to the Petition which I have just presented from the East India Company, that when the noble Viscount at the head of the Government moves for leave to bring in his Bill for the better Government of India, unless some other Member relieves me, as I hope will be the case, from a duty for which I feel my incompeteucy, I shall move as an Amendment a Resolution that in the opinion of this House it is inexpedient at present to legislate for any change in the Government of India. I will place the precise words of my Motion on the paper as early as possible.

THE MEDJIDI.—QUESTION.

MR. LAURIE said, he wished to ask the Under Secretary for War when the often-promised Order of the Medjidi is likely to be distributed to the Troops engaged in the Crimea?

SIR JOHN RAMSDEN said, that in consequence of the delay which had taken place a communication had been made by direction of Lord Clarendon to the Turkish Government to inquire whether it was the intention of the Sultan to confer the Order upon all the officers recommended by Her Majesty's Government. To that inquiry an affirmative answer had been received within the last few days, and there was now therefore no necessity for longer delaying the publication of the names of the officers in question, without waiting for the arrival of the decorations.

COLONEL NORTH inquired whether a similar answer would apply to the Turkish medal for the soldiers.

SIR JOHN RAMSDEN said, that very recently a telegraphic communication had been addressed to the Turkish Government on the subject, and the answer was that the medals would be sent with the Order of the Medjidi, and that the delay had been occasioned by the inability of the jewellers to supply them earlier.

STAFF OFFICERS' SERVANTS.

QUESTION.

GENERAL CODRINGTON said, he wished to ask the Under Secretary for War whether the Warrant of December last, depriving Staff Officers of their soldier servants and rations, can be applicable to a state of war, or whether the Warrant is to be suspended on troops taking the field?

SIR JOHN RAMSDEN said, that the Warrant alluded to provided for a money allowance to be given to staff officers in lieu of the privilege of employing soldier servants. That was intended to apply generally to all cases; but a state of war was an exceptional state of things, and it was impossible to frame any regulations which should be applicable alike to war and to peace. He was unable to answer the question generally, because the regulation must depend upon the particular circumstances of the force which happened to be in the field.

BARON DE ROTHSCHILD.

RESOLUTION.

MR. T. DUNCOMBE, whose notice to propose a Resolution "That Baron de Rothschild, a Member of the Jewish persuasion, and returned by the City of London, be permitted to take the Oaths appointed by law, in such form as shall be binding on his conscience, and in accordance with the faith he professes" stood first upon the paper, being called upon by Mr. SPEAKER,

VISCOUNT PALMERSTON rose, and said: I trust that my hon. Friend will permit me for one moment to interpose, and to put it to him, as there is a debate

of great public interest on a very important matter which stands adjourned from last night, whether he will not consent to postpone his Motion for the present. I am quite aware of the interest which my hon. Friend takes in the Motion of which he has given notice; but, as it is not a matter of such emergency but that one day will probably suit his purpose as well as another, I should feel obliged to him if he could, consistently with his public duty, waive his privilege to-night, and allow the adjourned debate of last night to be proceeded with.

MR. T. DUNCOMBE said, he knew too well the moral disadvantage under which an important subject would be brought on, when there was an adjourned debate of great importance coming behind it. As he wished, therefore, to advance the cause which he had undertaken, and not to damage it, he believed he should best discharge his duty, as well as conduce to the convenience of the House, by postponing till some future day the Motion which stood in his name.

MR. NEWDEGATE: I cannot but express my sense of the great hardship [*Cries of* "Order!"—"there is no Motion before the House."] I was not aware, Sir, that the Motion had been actually withdrawn, but I shall move the adjournment of the House for the purpose of putting myself in order while I represent to the House the great inconvenience of the course which, as it appears to me, the hon. Member has taken. He gave notice of the Motion which he has now withdrawn, subsequent to the First Reading of the Bill of the noble Lord the Member for London, which stands for Second Reading to-morrow—he gave notice before the recess, and we have had no intimation of his intention to withdraw his Motion till this moment. It is a grave question which the hon. Member has moved; and to my certain knowledge there are many hon. Members of this House who have come from great distances for the sake of being present at the discussion of this important question. I rise to protest against the habit that has grown up of late among hon. Members below the gangway of keeping this important question in continual suspense. The question is not one that affects lightly the character of this House. The proposal of the hon. Member amounts to no less than this, that this House should reverse its own repeated decisions and declarations of the law. But it amounts to more than this, for it purports that this House shall violate the law as it has been repeatedly declared by the courts of law, by the votes of the House of Lords, and by the affirmations, during the last Session, of the highest authorities that adorn the judicial bench. I am sorry to say that I am conscious, if other hon. Members are not, that this House is losing that respect with which we all hoped it was surrounded in the country, in consequence of the manner in which it treats this grave question—a question affecting its own character—by adjourning it from day to day, from week to week, and from Session to Session, so that not only Members who, like myself, are opposed to the introduction of the Jews into Parliament, but others who have all along consistently supported that proposition, have declared their regret at the course adopted by the hon. Member for Finsbury. I say that it is derogatory to the character of the House to keep continually before us a Motion to violate the law, and never allowing the Members of this House an opportunity of declaring whether they will support the law as it exists, or whether they will support the hon. Member for Finsbury in violating it. I think we must be conscious there is some secret device in the matter when we see the hon. Member for Finsbury, who is not usually deficient in courage, thus tampering, Session after Session, with one of the gravest questions that this House can entertain.

VISCOUNT PALMERSTON: The hon. Gentleman having made his Motion of adjournment for the purpose of making his speech, and having accomplished his object, perhaps he will now withdraw his Motion and allow the adjourned debate to proceed?

MR. T. DUNCOMBE would promise the hon. Gentleman that he should have full opportunity in the course of the present Session of bringing the question in which he took so much interest to an issue. The hon. Gentleman had assumed the whole question. He (Mr. Duncombe) denied that the effect of his Resolution would be to violate the law. The question had too long been trifled with—he meant the question of the Jewish disabilities—by being dealt with in the way of a Bill. It was time now for the House to take a constitutional course, and proceed by way of Resolution alone.

Question, "That this House do now adjourn," put, and *negatived.*

CONSPIRACY TO MURDER—ADJOURNED DEBATE (SECOND NIGHT).

MOTION FOR LEAVE. DEBATE RESUMED.

Order read, for resuming Adjourned Debate on Amendment proposed to Question, [8th February],—

"That leave be given to bring in a Bill to amend the Law relating to Conspiracy to Murder." And which Amendment was, to leave out from the word "That" to the end of the Question, in order to add the words, "this House, while sympathising with the French nation in its indignant abhorrence of the late atrocious attempt against the life of the Emperor, and anxious upon a proper occasion to consider any defects which may be shown to exist in our Criminal Law, the amendment of which might tend to defeat a repetition of such attempts, deems it inexpedient to legislate in compliance with the demand made in Count Walewski's Despatch of the 20th of January, until further information is before it of the communications between the two Governments subsequent to the date of that Despatch."

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

MR. T. DUNCOMBE (who rose at the same time with Mr. WARREN), said, he would only interpose a short time between the hon. and learned Gentlemen and the House; for his only object in rising was to prevent those hon. Gentlemen who might take part in this debate from falling into the same mistake as the hon. Member for Northampton (Mr. Gilpin) had made with reference to Louis Napoleon's expedition to Boulogne. Although that hon. Gentleman was a member of the Society of Friends, and, also, he supposed a member of the Peace Society, he made last night an inflammatory speech on this subject. The hon. Gentleman stated that Louis Napoleon, on landing with his followers at Boulogne, shot a man with his own hand. The hon. and learned Member for Sheffield (Mr. Roebuck) preferred to say that Louis Napoleon assassinated a man on that occasion, but he (Mr. Duncombe) put it in the mildest form. Now, there was not a word of truth in that statement. Knowing what really occurred, he felt it his duty to state the facts, and to disabuse the press and the public mind upon the subject. What really occurred was this:—a party proceeded with Louis Napoleon to Boulogne armed with pocket pistols. On their landing, one of the pistols of one of the followers of Louis Napoleon went off. Louis Napoleon had only one pistol himself, and that never was fired. But the ball of the pistol that went off went through the cheek of a man who was crying "*Vive L'Empereur.*" That man, however, soon recovered from his wound. The only two persons who were killed were two of the followers of Louis Napoleon—one a M. Paul, and the other Count Dunin. M. Paul was shot by one of the National Guards, who with his musket blew off the back of his head. The other, Count Dunin, was severely wounded by one of the Gendarmes of the National Guards, put into a wooden shell, and afterwards thrown into the sea, and was afterwards found with three balls in his body. His hon. Friend the Member for Northampton, therefore, proved too much when he said, "Here is a man who has been himself guilty of assassination, who is calling upon England to pass a law to save him from assassination." He would not interfere further with the hon. and learned Gentleman opposite (Mr. Warren), more than to say that with regard to the Bill which the Government had introduced it was said that it was brought in as an act of subserviency to the dictation of the Emperor of the French and Count Walewski. Some excuse had been made for the Emperor of the French for the publication in the *Moniteur* of the addresses of certain fire-eating colonels. All he could say was, that his constituents in Finsbury were not very much afraid. It had been said by way of excuse that these addresses appeared in the non-official part of that paper; but it could not be denied that the *Moniteur* was supervised by persons appointed by the French Government for that purpose. The excuse that had been made was very lame. He thought it was most probable—he, indeed, believed it to be the fact—that those addresses were put intentionally into that paper The Emperor ought to have said to those fire-eating colonels, "You ask me to hold up my hand, and to send you into that den of assassins—England; but I regret such language. If you knew the English people as well as I do, who have availed myself of their hospitality, and have lived with them, you would know that they hate assassins as much as you do." That would have appeared, and whether in the official or non-official part of the *Moniteur* would have satisfied the mind of

England, and caused the people to give their sanction to the introduction of this Bill.

Mr. WARREN: Mr. Speaker, If the honourable Member for Finsbury imagines that I, for one, stand in need of the caution he has just interposed to give the House, I can assure both him and the House that he is entirely mistaken, and that the caution is needless. It is very far, indeed, from my intention to introduce any such inflammatory topics as the one to which he has referred, and which, in my opinion, has no legitimate connection with the question before us. No, Sir, I feel too deeply the responsibility of taking part in a debate involving matter of such great delicacy and moment, and as a Member of the Legislature—this free Legislature—I shall not allow myself to be influenced by any such disturbing forces. I do not intend, therefore, to follow the example set by my hon. and learned Friend the Member for Sheffield (Mr. Roebuck) in his fervid and brilliant speech—one of the best that I ever listened to—delivered last night, or rather at an early hour this morning. I am happy to bear public testimony to the oratorical merits of his speech, but shall not follow his example in speaking of the Emperor of France as he has thought proper to do. I propose to discuss the question before us calmly, in the character of a constitutional lawyer, and in a perfectly independent spirit. We are dealing with a measure introduced with all the responsibility of the Queen's Government. I wish I could support them as such, for my political principles incline me always to do so whenever I am able, especially when they are acting on an emergency of, if I may so speak, a transcendently difficult and embarrassing character. I find myself, however, after anxious consideration, unable to do so; but the observations I am about to make are entirely and exclusively the expression of my individual opinions. I have taken my line in this House. I am acting in concert with no one, with none even of my own political friends on this side, and, therefore, venture to ask credit for sincerity and independence. Sir, let me then say at once, that I believe the measure before us is not called for, will be a dead letter, is derogatory to the national spirit, and a libel on our laws, because founded on an entire misapprehension of their scope and capability. And even were this otherwise, I take leave to doubt whether this, of all other moments imaginable, is precisely that in which an independent Legislature should be called upon to alter its laws. We are exceedingly, we are proverbially and justifiably proud and jealous in this particular. Every schoolboy knows how our ancestors, centuries ago, declared that they would not have foreign laws forced on them, nobly declaring *Nolumus leges Angliæ mutari*, when such an attempt was made. Well, Sir, that spirit actuates their posterity, and so strongly, that it overbears almost all other considerations, and the nation is at this moment with one voice declaring that it will not have our laws altered at the bidding of a great neighbouring potentate. Surely the House will pause before it legislates under the pressure of menace,—before it hurries into the alteration of laws which the nation has hitherto deemed sufficient. I object altogether to changing the character and aggravating the penalties of acts already punishable by our laws; and yet no one living regards with greater horror the atrocity perpetrated on the 14th of January at Paris, and more deeply sympathises with and pities the intended and actual victims of it, than I do. Before briefly calling the attention of Her Majesty's Government to one or two passages in our history, let me premise, that to legislate, is to exercise the highest functions that belong to man, and to legislate for such a country as this, is an effort taxing all our energies, and involving our honour and responsibility. We must act in pure accordance with the dictates of our conscience, and the genius and spirit of our constitution—one which is absolutely free—but not by any means neglecting what is really due to other nations, especially friends and allies, while insisting on what is due to ourselves.

Sir, in the year 1708, a certain Russian Ambassador — the Ambassador of Peter the Great—was one day boldly taken out of his carriage, in the streets of London, by sheriff's officers, for a debt of £50 to a tradesman, and carried off to a sponging-house, where, if I recollect rightly, he was locked up all night. In the morning he was released, on making an indignant application to the Queen; and the affair led to an interference of the Legislature, thus characterised by Sir William Blackstone—one whom nobody could charge with any disrespect to sovereign authority, or rights and acts of the Legislature:—

"In the meantime the Czar resented this affront very highly, and demanded that the Sheriff of Middlesex, and all others concerned in the arrest, should be punished with instant death. But the Queen (to the amazement of that despotic Court) directed her secretary to inform him 'that she could inflict no punishment upon any, the meanest of her subjects, unless warranted by the law of the land; and, therefore, was persuaded that he would not insist upon impossibilities.' To satisfy, however, the clamours of the Foreign Ministers (who made it a common cause), as well as to appease the wrath of Peter, a Bill was brought into Parliament, and afterwards passed into a law, to prevent and punish such outrageous insolence for the future; and, with a copy of this Act, elegantly engrossed and illuminated, accompanied by a letter from the Queen, an Ambassador Extraordinary was commissioned to appear at Moscow, who declared 'that, though Her Majesty could not inflict such a punishment as was required, because of the defect in that particular of the former established constitution of her kingdom, yet, with the unanimous consent of the Parliament, she had caused a new Act to be passed, to serve as a law for the future.' This humiliating step was accepted as a full satisfaction by the Czar, and the offenders, at his request, were discharged from all further prosecution."

Fifty years afterwards, Lord Mansfield, speaking from the judicial seat, said, mournfully, that this Act "passed as an apology and humiliation from the whole nation; the Ambassador making excuses in a solemn oration, in presenting the copy to the Czar." Now, Sir, is this a precedent that the noble Viscount opposite, or the nation, is disposed to follow? And yet there are points in which the case touches the matter before us. Observe what were the main features of that shameful Act. It dispensed with trial by jury, and inflicted personal pains and chastisement at the discretion of two judges! It did not, however, proceed so far as to declare, with the Bill before us, the offence which it enacted to be a *felony*. I do not say that this case is altogether in point with the present; but I cite it on the principle of *principiis obsta*—take care of the thin end of the wedge getting in between us and our liberties. But I come now to a case of a different character; one resembling, in circumstances, that before us, and forming a precedent which we may be proud to follow. I refer to the year 1802, during the short peace between this country and France. At that time, the press of this country—nay, of both countries—teemed with publications of the most violent and exasperating character against each other. Napoleon caused a very strong remonstrance to be addressed, through Mr. Merry, our Ambassador at Paris, to the English Government. What said Lord Hawkesbury, then our Foreign Secretary? He answered the complaints in language of an equally dignified and determined character. These were some of his memorable words:—

"It cannot be denied, that some very improper paragraphs have lately appeared in some of the English newspapers against the Government of France; it cannot be denied, likewise, that publications of a still more improper and indecent nature have made their appearance in this country, with the names of foreigners affixed to them. Under these circumstances, the French Government would have been warranted in expecting every redress that the laws of this country could afford them; but as, instead of seeking it in the ordinary course, they have thought fit to resort to recrimination themselves, or at least, to authorize it in others, they could have no right to complain if their subsequent appeal to his Majesty had failed to produce the effect that otherwise would have attended it.

"Whatever may have been the nature of the prior injury, they have, in fact, taken the law into their own hands; and what is this recrimination and retort? The paragraphs in the English newspapers, the publications to which I have above referred, have not appeared under any authority of the British Government, and are disavowed and disapproved of by them; but the paragraph in the *Moniteur* has appeared in a paper avowedly official, for which the Government are, therefore, considered as responsible as His Majesty's Government is responsible for the contents of the *London Gazette*. And this retort is not confined to the unauthorized English newspapers, or to the other publications of which complaint is now made, but is converted into, and made a pretence for, a direct attack upon the Government of His Majesty.

"His Majesty feels it beneath his dignity to make any formal complaint on this occasion. * * It is not His Majesty's intention to interfere in the manner in which the people or territories of France should be governed; but he expects, on the other hand, that the French Government will not interfere in the manner in which the Government of his dominions is conducted, or call for a change in those laws with which his people are perfectly satisfied."

That, Sir, is a precedent to be followed! And we had a right to expect that it would have been borne in mind and followed, by the noble Viscount, on the present critical occasion, which absolutely challenged it.

Now, Sir, the noble Viscount said the other evening, on introducing his Bill, that he did so because the existing law of the land was wholly unequal to dealing with emergencies of this nature; and for that purpose he took a rather rosy-hued view of our common law misdemeanour, its pains and penalties. He told us that conspiracy to commit murder was simply a misdemeanour, subject to a slight fine and a short period of imprisonment—on the same level and in the same manner as hissing at a theatre! These were his words, as

I took them down. That, it seems, is the noble Lord's notion of a misdemeanour, however serious its present character and punishment; but, Sir, I look at the matter from a somewhat different point of view, and will justify myself by reference to two recent instances, the one of legislative, and the other executive action. They will give rather a different aspect to our common law offence of misdemeanour. In the year 1842 was passed, in consequence of a dastardly and execrable attack on the person of Her Majesty, Statute 5 & 6 *Vict.* c. 51. It was entitled, "An Act for providing for the further security and protection of Her Majesty's Person;" and by the second section it was enacted that whoever should wilfully discharge firearms, whether with, or without, explosive or destructive materials, at the person of the Queen; or discharge explosive materials at her; or wilfully strike her with any offensive weapon; or throw any substance at, or on, the Queen with intent to injure the person of the Queen, shall be guilty of—what? a felony? No—"a high misdemeanour"—and the punishment was —not transportation for life, but for seven years only, or imprisonment not exceeding three years, with or without hard labour, and whipping publicly or privately, not exceeding thrice, in such manner and form as the court should order and direct. So that positively, here were offences of a most atrocious character perpetrated, or attempted to be, upon the sacred person of our own Sovereign, and yet the Legislature were satisfied with referring them deliberately to the category of misdemeanour—the now, it seems, despised misdemeanour of our common law. Sir, I think that an instance of wise and dignified moderation on the part of the Legislature, indignant and anxious as it was in consequence of the recent outrage on Her Majesty. And again, let the House observe, Sir, that Parliament proceeded on actual occurrences which had been proved publicly in a court of justice, and therefore constituted solid ground for legislative action. Now, Sir, when the noble Viscount speaks so gaily—I had almost said —of a misdemeanour, may I venture to ask him whether he is aware of its true character? And when he could convert a misdemeanour into a felony, is he aware of the cardinal distinction between the two kinds of offence? It is forfeiture—forfeiture of lands and goods which attaches to felony, but not misdemeanour; and there are other grave incidents and consequences attaching to felony which I need not now specify. But I will give the House one of the most striking illustrations imaginable of the potency of this same misdemeanour as a weapon aimed at even the most formidable offences. In the year 1843–4 occurred, as the House well knows, one of the most tremendous treasonable conspiracies known in our annals—that organized by the late Mr. O'Connell, for the dismemberment of the empire. We all recollect the anxiety and agitation of that memorable period. The isle was nearly frighted from her propriety. Sir Robert Peel was then at the head of affairs, and was importuned incessantly by Parliament and the press to arm the Executive with new powers. But what said that eminent statesman? He resisted all those importunities, and calmly said, in words worthy of being engraved in golden letters on the pedestal of some of the many statues erected to his memory, "I am resolved to walk in the light of the constitution. If I find the law of the land incapable of dealing effectually with the case, I will not hesitate to ask for greater powers from the Legislature." Sir, there was something majestic in this calm reliance on the strength of our institutions—on that ancient common law now treated so cavalierly by the noble Viscount —indeed, despised and discarded. What, then, did he do? He called into action the machinery ready to his hands—an indictment for conspiracy; and let the House consider what a colossal conspiracy that indictment had to cope with. It charged the defendants with conspiring to excite general discontent and dissatisfaction; hatred and contempt against Her Majesty's Government, and the constitution as by law established; dissatisfaction and discontent in the army—observe that, Sir—to intimidate the Government, thereby to procure a dissolution of the legislative Union between Great Britain and Ireland; to excite hatred and distrust of the established tribunals of justice; and usurp the prerogative of the Crown. Against this huge treasonable conspiracy was calmly levelled a common law indictment for conspiracy; and in spite of every imaginable effort and obstacle, the conspirators were committed publicly in due course of law, and punished by imprisonment for twelve months, and a fine of £2,000. What was the result? The conspiracy was blown into the air at the touch of the now slighted common law.

Thus had it vindicated its capability to deal with one of the most serious emergencies that can arise. Why, then, has the noble Viscount so hastily rushed to the conclusion that this common law is so powerless as he represents? Why must we devise a new law in the nature of a *quia timet*, to meet a state of things of which we have as yet no proper cognizance in point of fact? And that, too, only after — immediately after—our attention has been so sternly challenged to it by the great potentate over the water?

But, Sir, I have one more passage in our still late annals to which I beg the attention of the House, and most particularly that of the right hon. Baronet opposite, the Home Secretary; for I am about to quote some weighty words of his, uttered in this House on an occasion very like the present—words which, in my opinion, completely cut from under him the ground on which the noble Viscount and his Government have so suddenly taken their stand. Sir, in 1851 the revolutionary excitement which had burst over Europe in 1848 had by no means entirely subsided, and the most dangerous elements of foreign conspiracy and insurrection were collected in this country. The attention of Government was most earnestly called to the menacing aspect of affairs, by that veteran statesman and lawyer, Lord Lyndhurst, in the other House of Parliament, and afterwards in this House by my right hon. Friend then the Recorder for London, the Member for Berkshire, whose absence from this House, and the cause of it, I much regret. It was then brought under the notice of the Government, that there was sitting at that moment, in London, a body calling itself "The Committee of Central European Democracy"—issuing manifestoes for the subversion of the Governments of Central Europe, and openly recommending insurrection against, and — let the House mark this—the extermination of existing Sovereigns. There was a "Central National Italian Committee," whose professed objects were, to keep up a spirit of insurrection in Italy. They had, with that view, actually opened loans here, publicly advertised them, and issued shares and circulars, some of which Lord Lynhurst said were at that moment in his possession, stating the object of the loan to be to purchase arms and munitions of war to promote their insurrectionary designs. Then there was the "Central Democratic European Committee"—and of this body Mazzini and Ledru Rollin were the moving spirits; and the "Central Committee of Hungarian Refugees," of which General Klapka was the mainstay. Both were issuing proclamations of the most inflammatory and dangerous description. Thus wisely spoke Lord Lyndhurst,—

"It has always been the principle and the practice among us to afford a ready asylum to persons driven from their own country in consequence of their religious or political opinions or conduct. I do not wish in the slightest degree to trench upon this principle: it appears to me to be in perfect accordance with the character of an enlightened, a generous, and a powerful people. But it must always be remembered that this protection imposes on those who take advantage of it a corresponding duty of a grave character—to live amongst us peaceably, and not make this country the focus of intrigues against foreign states; above all, not to carry on any proceedings of a hostile character, directed against countries with which we are connected by treaties of friendship and alliance. These are principles so clear, so just, so universally recognized, that it is unnecessary for me to dilate upon them."

And what said, in this House, the right hon. Baronet then, as now, so honourably filling the important office of Home Secretary? Sir, I do beg his most serious attention to the well-considered language on that occasion, with which he sought to allay the anxiety of the country:—

"I shall not be contradicted by any legal authority in this House, when I say that foreigners, —entering into conspiracies in this country,— living under the laws of this country, and enjoying their security,—and adopting any measure with the view of levying war against any foreign country with which this country is at amity,— are guilty of an offence at common law, and punishable, on conviction, by fine and imprisonment. We shall not hesitate legally and constitutionally to meet any violation of the law. *I believe that the powers we possess are amply sufficient to punish, by penalties, the violation of the law, by foreigners, after we have been satisfied that they have really committed themselves in any case in which legal proceedings can be instituted.*"

Now, Sir, if that were the deliberate opinion of the right hon. Baronet in 1857, uttered responsibly in his place here, with all the weight due to his personal and official character, I must really ask him how he can now consistently tell us and the country, that the law on which he then relied as on an oaken staff, had since and suddenly become a bruised reed, on which he could no longer lean for support? Sir, I would insist upon it that no case whatever has been made out for the introduction of the Bill before us. I am speaking now simply as a constitutional lawyer, and say that the Government are undervaluing, and indeed overlooking the ex-

isting powers of the law and constitution of this land; nor are they really justified or excused by the pressure of circumstances; and this brings me at once to the despatch of Count Walewski. Sir, I have read that document carefully, and the more I consider, the less I like it, its whole tone and tendency — and especially the menacing expressions towards its close. I was rejoiced to hear the noble Viscount say last night, that another despatch, and of a more satisfactory character, had been just received by the Government, expressing the Emperor's regret at what had been done in France, and especially that which had been alluded to in the *Moniteur*. The noble Lord said that the French Minister was authorized to express the regret of the Emperor that this should have been the case; but I own I have been disappointed at the noble Lord's not having laid that second despatch on the table, in answer to the challenge of my hon. and learned Friend the Member for Sheffield last night. I do hope that at all events before the debate closes this evening we shall have this important document before us. I own I should like to see the date it bears—and to know whether certain hasty communications have not travelled to and fro along the mystic wires which might either enhance or diminish the value of that despatch. Let us understand the real reason why these most offensive and insufferable libels have been allowed to appear in the *Moniteur* at all, and not only that, but in the official part of it, thereby identifying it as the deliberate act of the Emperor and his Government. Was it, after all, an inadvertence? And are we alone told that it was so, while all France has the opposite impression? Is the Emperor's expression of regret sincere and spontaneous? Then why not let the reparation be co-extensive with the offence, and insert the apology in the official columns of the *Moniteur*? Has that been done? Is it to be done? Let me ask—was the insertion originally for the purpose of gaining a particular object, and when that had been attained, we were to be amused and pacified with an expression of regret at the occasion of offence? All these are matters of great interest to the country at large and we ought not to be left in the dark. Sir, I assert again, in the presence of many abler lawyers than I am, that no case has been made out for altering the law of the land. Not one *scintilla* of legal evidence glistens before us—evidence legitimately and openly adduced before and recognized by our tribunals—that there has been any conspiracy in this country to injure or murder the Emperor of the French. For all we are supposed to know to the contrary—for all we are entitled to assert—it may be untrue that such is the case, however undeniable that one of the accused parties has been here, and quitted our shores with an infernal instrument of destruction fabricated here. Why, Sir, how at this moment stands the matter even in France? Look at the very first paragraph of Count Walewski's despatch. I should have thought it would catch the eye of the noble Viscount's Chancellor, and Attorney and Solicitor General, and make them pause at the very threshold. Count Walewski says, "the legal proceeding which has been commenced, in regard to the criminal attempt recently made on the person of the Emperor, is taking its course, and we shall shortly ascertain its definitive result; but there is a point upon which even now we cannot entertain any doubt. This fresh attempt, like those which preceded it, has been devised in England." That may be their present impression in France; but does it not plainly appear that even there, the matter is *adhuc sub judice?* In England we are not accustomed thus precipitately to legislate on insufficient data; we do not choose to alter our ancient laws simply because some one from abroad thinks proper to tell us we ought —that a state of things may be shown to exist, justifying and requiring such an alteration. Why, then, does the noble Lord rush breathless and pell-mell into the arena to alter the legal character of an established offence, and aggravate its punishment? While all is doubt and indeterminateness in France, the noble Viscount hastens down to the House, saying, "Oh, for Heaven's sake, give me your aid—let me inscribe on our statute book a little law turning a misdemeanour into felony, and imprisonment into transportation or penal servitude for life, since the law is insufficient," which is begging the whole question at issue. And now, Sir, a word or two about the Bill before us. As explained by the noble Lord, it seems to me based on two Acts of the Irish Parliament, passed respectively in 1796 and 1798, statutes 36 *Geo.* III. c. 27 & 57. Why these Acts were passed I need not stay to explain. The first recites that it had become "necessary, in order to deter men from entering

into conspiracies to murder, to increase the punishment of such horrid crimes;" and proceeds to enact, that "All persons convicted of conspiring, confederating, and agreeing to murder any person, shall be adjudged felony, and suffer death." This Act was found ineffectual, and the second was passed, extending capital penalties to any person "proposing to, soliciting, encouraging, persuading, or endeavouring to persuade, persons to commit murder." Now, what are the provisions of the present Bill? It contains five sections, the last repealing the two Acts I have mentioned. The first enacts that any person who shall, either in the United Kingdom or its adjacent islands, conspire with any other person, being either within or without the United Kingdom, to commit murder, either within or without the United Kingdom, shall be guilty of felony, and liable to penal servitude for life, or for not less than five years, or to imprisonment, with or without hard labour, for any term not exceeding three years. The second section applies the same penalties to any one who shall "persuade, instigate, or solicit" any other person to commit murder, as mentioned in the first section. The third subjects offenders to be apprehended and punished wherever they may be found within the United Kingdom, in the same manner as if they had there committed the felony; and the fourth section defines the sense in which murder is to be understood, when alleged to have been committed in any foreign countries. Now, let the House recollect, that in the course of last Session we abolished transportation, and substituted for it penal servitude, vesting, however, in the Home Secretary the great and responsible power of declaring where that penal servitude shall be, either in or near the United Kingdom, or abroad. Observe, then, that the first fruits of the Emperor's dictation would be to subject this class of offenders to penal servitude for life; and, by-and-by, he may kindly intimate to us, that if we are embarrassed for localities in our own dominions to which we may transport such criminals, he has certain possessions in South America—Cayenne to wit—where he can accommodate them. Sir, whether things ever may or may not come to this pass, I object altogether to vesting such vast powers, under such circumstances, even in our own executive, and prefer taking my stand on our good old-fashioned common law. By that law, a misdemeanour is punishable by fine and imprisonment, and requiring sureties for good behaviour after it is over, more or less heavy—in the discretion of the Judge who tries the case — who is cognisant of all its merits and attendant circumstances—and exercises that discretion temperately and firmly, in accordance with the genius and spirit of our own laws and constitution. In this Bill proposed to us its framers have clearly shown that they are aware of these powers now vested in the common law, for they make the infliction of fine and imprisonment an alternative of penal servitude—thus, as it were, having two strings to their bow—and evincing their opinion that even conspiracy to murder may be adequately punished by the former alternative. I cannot help saying, before I sit down, that freedom of action is an essential condition of legislation, if intended to be useful, to be respected, and to form a precedent for future laws. I repudiate all dictation of every sort, come in what shape it may, from any foreign power. A threat may be disguised under terms of the gentlest invitation. We do not require even suggestions from abroad as to what we ought to legislate for. While other nations manage their own affairs, we must be given credit for the power and inclination to look after our own. But if we are to listen to voices from abroad, let us do so in all cases alike—whether the whisper, hint—or call it what you like—come from a great or a petty power. Suppose the King of Naples had come to us vapouring for what is now demanded—had come to the noble Viscount in the palmy days of his ancient martial ardour, when animated with the spirit of *Civis Romanus sum*, I can imagine how that King would have been received. The noble Viscount would have said, in a towering passion, "Begone—we will not be dictated to—we will not be coerced by any one!" Why should it be otherwise when we are appealed to by "a gigantic suppliant thundering at the gates of the constitution?"—to use the language of the late Mr. O'Connell in speaking of Ireland. Why not reply, with dignity and calmness, "No people on earth more profoundly abhor and detest the crime of assassination than we do—would do more to prevent or to punish it—and none more sincerely thank God for shielding the Emperor and his Empress from the execrable attempt of the assassin; and if our institutions are found by us at fault in dealing with such atroci-

ties committed here, we will be the first to inquire and find a remedy. But if required by a foreign potentate, while the affair is even unascertained, duly, in his own country, to begin altering our laws, we deprecate such interference; we decline taking a single step in the wrong direction, and establishing a precedent of which mischievous and dangerous use may be made hereafter. Sir, I have already said that certain expressions towards the close of Count Walewski's despatch are of a very grave character, aiming as they do directly at that which we regard as the very apple of the eye of our liberty and honour, the right of affording an asylum to misery and oppression, from whatever quarter of the globe they may seek our shores. With all my heart I honour those who are even morbidly susceptible on this great national right —the very flower of our freedom. We constitute a harbour of refuge which has long been an eyesore to despotism. Far be it from us to dash the hopes of the foot-sore and heart-stricken exile, who, when his anguished eyes first catch sight of the white cliffs of England, can now exclaim, "Oh, let me once reach that blessed soil, for there the weary are at rest, and I breathe freely once again!" Shall we henceforth say, "Alas, it is so no longer! England is not what it was! Despotism abroad has at length succeeded in overshadowing and circumscribing that little oasis of freedom in the wilderness!"

Sir, I do assure the noble Viscount that I am no enemy to him or to his Government, and implore him to consider the disadvantageous position in which he is placing himself by the introduction of this offensive and needless measure. I trust, at all events, that this House, by the decision to which it may come, will afford an assurance to the whole Kingdom, now watching us with stern solicitude, that we have not lost that ardent patriotism, that jealous love of the honour and true interests of England, which induced our constituents to send us as their representatives into this great and famous Assembly. I trust that the noble Lord will yet follow wiser counsels, and not obstinately adhere to a precipitate determination. Pass this Bill, and it will be a dead letter in our statute book, reflecting only dishonour on the memory of those who wrote it there. Posterity will remember the occasion; they will couple menace with sudden acquiescence, as cause and effect. Sir, when I read such painful and disgusting passages in the *Moniteur* as these—but no, Sir, I will not irritate myself or the House with repeating them, for we have seen and heard enough of them—they brought to my recollection the words which King Edward III. once addressed to his Parliament, "I have received a blow in the face, and all Europe is looking on to see how I bear it," and then he declared war against France. God forbid, Sir, that such a case should be considered to have arisen here; but it is enough to rouse the pride, and alarm the patriotism of every person in the country to see such documents as those paraded in the *Moniteur*, followed so quickly by such submission on the part of our Government. I do most earnestly supplicate the noble Viscount not to let any false pride prevent him from yielding to that manly sense of duty which ought to animate him on such an occasion as the present. Let him not peril the popularity which he has hitrtohe enjoyed; but, by showing an enlightened deference to the public opinion of the country, so unequivocally conveyed through its free press and free representatives, retain that position which he is at this moment in danger of losing, by his present most unwise and abortive effort at legislation.

SIR GEORGE GREY: I hope, Sir, that in the few observations which I shall deem it my duty to address to the Honse upon the question now submitted for its consideration I shall not depart from that calm and temperate tone which I am happy to say has characterized the discussion of this Bill hitherto, and which cannot fail to give weight and authority to whatever decision the House may come to. Before I advert to some of the objections which have been made to the Motion of my noble Friend at the head of the Government, I may be allowed to express the satisfaction which I feel that, while there has been in Parliament and throughout the country the utmost abhorrence of the crime which has lately been attempted against the life of the Emperor of the French, there has been at the same time a sentiment expressed in entire unison with that which is sincerely professed by her Majesty's Government—not to infringe in the slightest degree that sacred right of asylum which it is the boast of this country to offer to every political refugee, of whatever shade of political opinion, flying from persecution in the land of his birth. The hon. and learned Gentleman (Mr. Warren) has alluded to some expres-

sions in the despatch of Count Walewski which he understands as implying a desire that the Government should interfere with that right of asylum, and should endeavour to induce Parliament to pass a law for sending refugees out of this country without public trial, without conviction of any offence, on mere suspicion, or on what may be termed moral conviction. If those expressions bear the meaning attributed to them by the hon. and learned Gentleman, I can only say that Her Majesty's Government has not for one moment entertained any such proposition, or given the slightest hope in any quarter that such a demand would be complied with. I may also be allowed to express, if I may do so without irregularity, the sincere satisfaction with which I have perceived that the distinguished leader in another place of the party whom I see opposite, has expressed in his own eloquent language sentiments on this subject in entire accordance with the opinions professed by Her Majesty's Government, and from which they are determined not to depart.

I now come to the Bill. The objections which have been urged to the proposition before the House, as has been stated by the hon. and learned Member for Sheffield (Mr. Roebuck), resolve themselves into two classes, the one directed against the enactments of the Bill itself, and the other and main class against the time when this proposition is made. With respect to the Bill itself, let me recall the attention of the House to the circumstances under which Her Majesty's Government have felt it their duty to introduce it. A crime has been attempted in France which, although the judicial process is not yet complete, is a matter of general notoriety. No one can doubt that that crime has been attempted, whatever doubts may be entertained—and doubt must be entertained till after trial and conviction—with respect to the individuals implicated in it. I regret to say it is equally certain that that crime, though perpetrated on the soil of France, where its intended victim was to be found, has been the result of designs formed in this country, of measures taken in this country, of plans concocted here by those who are enjoying that right of asylum which we are happy and proud to afford them so long as they conform to our laws and conduct themselves in obedience to the rules which govern all persons residing in Her Majesty's dominions. Under these circumstances our attention was naturally and necessarily called, irrespective of any communication from the French Government, to the state of the law which was applicable to conspiracies of this nature. The hon. and learned Gentleman who spoke last (Mr. Warren) has referred to a question which was addressed to me in 1851 by my right hon. Friend the Member for Bute (Mr. Stuart Wortley) with respect to certain allegations then made regarding the designs and conspiracies of foreign refugees residing in this country, and to the answer which I gave to that question. That case was wholly different from the present. It related to revolutionary designs concocted here with a view to subvert the existing Governments in foreign countries, and to establish forms of government more in accordance with the opinions of those who proposed to carry the plots into execution; and the answer which I gave had no reference whatever to attempts at assassination of individuals. I then stated what I now repeat, that I believe our laws are amply sufficient to prevent foreigners residing in this country from taking means here for levying war on other nations; inasmuch as, in addition to the common law, there are statutes existing by which specific penalties are enacted against those who shall adopt measures here for levying war against any Power in amity with our Sovereign. But what is the case now? There is an attempt, not to subvert a Government, but to destroy the life of an individual—an attempt which, although providentially not successful against the person aimed at, yet unhappily was successful against many innocent people standing by, whose lives were sacrificed by those who seem to be utterly regardless of human suffering provided they gratify their vindictive feelings against any one whom they may choose to regard as their enemy. Will any hon. Gentleman deny that this is a crime of the greatest atrocity? The House ought to recollect, moreover, that we are not seeking to deal with the men who actually perpetrate such crimes, but the men who, in comparative safety, plot them in this country—with men who do not risk their own lives in attempting to carry their designs into execution, but who instigate and hire assassins to do that which they are too cowardly to undertake themselves—that is the class of persons against whom we think additional precaution ought to be taken in order to deter them, by the fear of punish-

ment, from committing crimes which I believe every Englishman abhors and condemns from the bottom of his heart. On looking into the law upon this subject what did we find?

Here let me make one observation with reference to remarks that have been made in the course of this debate as if this question had been settled by a declaration—entitled, I admit, to the utmost respect—uttered elsewhere by the Lord Chief Justice, to the effect, as has been assumed, that the law in its present state is amply sufficient to meet all cases of this kind. Let me first protest against the doctrine—entirely new in this House—that any lawyer, however eminent—any Judge, however high his position or great his learning, is to be taken as an unimpeachable authority as to the sufficiency of any law to meet the objects which it is intended to serve. The Judges are the proper persons to determine judicially, after argument, what is the law of the land, how it can be enforced, and what the penalty is which is attached to any crime; but I demur altogether to the unconstitutional doctrine that they are to dictate to Parliament an opinion with regard to the sufficiency of any law for the accomplishment of a certain purpose. Such, I am sure, was not the sense in which the Lord Chief Justice made his observations elsewhere; but such is the meaning which has been attached to them in this House, and therefore I feel bound to protest against it. It is competent to the Judges to determine whether a conspiracy to murder in this country is or is not a misdemeanour—and no one, I imagine, will deny that conspiracy to murder a person in this country is a misdemeanour punishable according to common law. The Judges are also competent to decide the question whether a conspiracy by subjects of Her Majesty in this country to commit in a foreign country what according to the law of England would be murder, is a misdemeanour, and upon that point likewise no doubt can be entertained by any one acquainted wish our criminal code. Advancing a step further, the Judges are competent to determine whether a conspiracy by aliens in this country to murder another alien in a foreign country is a misdemeanour cognizable by our Courts, an indictable offence at common law, subjecting the parties concerned to the same penalties as if it had been a conspiracy by subjects of Her Majesty to murder another of Her Majesty's subjects either in this or in a foreign country. Upon that question I understand, from the ordinary sources of information, a decided opinion has been expressed elsewhere by the distinguished Judge to whom I have already referred, and to that opinion of course I bow with the most respectful deference, although I believe I am right in saying that no decision of the Courts has ever gone that length, and that there are many learned and eminent lawyers who, before the opinion in question was pronounced, entertained great doubts whether a conspiracy by aliens in this country to murder another alien in a foreign country—which is the case that has actually occurred—was an offence punishable by our laws. If, therefore, the Judges have pronounced what the law is, they have performed their functions; and then the functions of Parliament have to be discharged; and, whatever opinions may have been pronounced by lawyers, however eminent, Parliament is the authority to determine whether the penalties attaching to any offence be, in its opinion, adequate to the punishment of the offence on conviction, and sufficient to deter persons from its commission. I do not, of course, mean that any punishment can absolutely deter persons from the commission of crime; but still our laws always aim at fixing for an offence a certain amount of punishment, which may afford a reasonable probability—that it will deter persons from its commission.

The hon. and learned Gentleman who moved the Amendment (Mr. Kinglake) admitted that our law might be susceptible of improvement, and that it might be right to inquire into this point with the view of making it sufficient to deter from the commission of the crime from which persons are not now deterred owing to the lightness and inadequacy of punishment on conviction. We then find—assuming for a moment that there is no uncertainty as to the nature of the crime—that it is a misdemeanour for a foreigner in this country to conspire, or to incite persons to perpetrate, the murder of a person in another country. The law only treats that as a misdemeanour, and the utmost punishment to which a person on conviction is liable for so atrocious a crime (he himself remaining in this country while the crime was being executed, and not subjecting himself to any of the risk attending the attempt) is that attaching to a conviction for misdemeanour. The hon. and learned Gentle-

man who last spoke (Mr. Warren) assumed that the punishment attaching to a misdemeanour is of an indefinite amount. Now, for such an offence the Court may impose imprisonment, the ordinary *maximum* of which is the period of two years. But the hon. and learned Member for Midhurst observed that the Court might impose a fine of £2,000. [Mr. WARREN: In that particular case it did.] No doubt the Court might also impose a fine, which would amount to perpetual imprisonment; but my hon. and learned Friend must know that whatever might be the discretion left to the Court, it would never be exercised to that extent. It is not a course which our Courts usually adopt to impose, in addition to imprisonment, a fine utterly beyond the ability of the prisoner to pay, and thereby to convert the sentence of detention into perpetual imprisonment; but I am sure the hon. and learned Member did not mean to suggest that they would act in so extraordinary a manner in order to render in certain cases the punishment attached to misdemeanour sufficient. By the state of the law in England the crime to which the proposed Bill refers is only a misdemeanour; and I believe that the reason for such a state of the law is this—and it is one of which the country may be proud—that conspiracy to commit a murder—some persons inciting others to the commission of the crime, but taking no part themselves in the actual perpetration of the crime—is so abhorrent to the feelings of Englishmen, that I do not think any special law has been required with respect to it in this country. But in Ireland, from the peculiarly unhappy state of society there, and from the frequency of agrarian outrages, this crime, formerly at least, was unhappily of no rare occurrence. And what did Parliament do? The hon. Gentleman has alluded to two Irish Acts on the subject; but the law, as now existing, is not an Irish Act, but a modern Act, passed by the United Parliaments of Great Britain and Ireland. The Act proceeding on the fact that such crimes were not unfrequent, and that it was necessary not to leave them to be punished by the comparatively light penalty attaching to misdemeanour, with a view to the security of society in that part of the United Kingdom (Ireland) renders the crime a capital felony. As in England the offence was only a misdemeanour, we have thought it right to propose, while mitigating the severity of the Irish law, to increase the severity of the law in England, and to make the offence punishable, throughout the United Kingdom, not by death, but by penal servitude, the duration of which should be left to the discretion of the Court according to the facts and circumstances of the case.

Such being the case, I now come to a more important part of the question—namely, the time when this proposal is made. And on this I must say, that when the attention of the Government has been called to a defect in the law of this country, and they are satisfied that an improvement can be made in the law, the proper time to propose the changes to Parliament is certainly when that conviction has been forced upon their minds. The hon. and learned Gentleman quoted, in opposing the Bill, the celebrated saying, "*nolumus leges Angliæ mutari*," and implied we were going to change our law without any reference to the expediency of the change, but because Count Walewski had called attention to the notorious fact that this crime was plotted and contrived by persons in this country; and he referred to the publication of addresses in the *Moniteur*, which certainly are highly offensive to this country. With respect to the despatch of Count Walewski, I would ask hon. Members to place themselves in his position. If attempts at assassination had been concocted in France, and if an endeavour had been made to put them into execution in this country, and if we had reason to believe that the law of France was not sufficient to deter persons by its penalties from the commission of such crimes, I think the Government of this country would have been justly blameable if they had not called the attention of the Government of France to what they believed to be a defect in the French law—not in the language of menace (and there is no menace in Count Walewski's despatch), but in terms fairly pointing out the defect, and submitting it to the consideration of the French Government. In like manner the French Government had a right to ask us whether, in strict accordance with our laws, legal and constitutional checks might not be imposed on the commission of such crimes; and in Count Walewski's despatch, as we read it, there is nothing which ought to deter us from doing what we were convinced ourselves ought to be done—namely, to propose this Bill to Parliament, in order to effect a useful amendment in the law. We have been told that Lord Hawkesbury held different

language in 1802. Now, I ask hon. Gentlemen to contrast the despatch of the French Minister of that day with the despatch of Count Walewski. The former despatch was, as Lord Hawkesbury observed, not couched in very conciliatory language, but in terms of the most offensive nature, and contained demands, coupled with menace to this country, calling on the Government to expel from the country certain persons described by name and classes, and to restrict the freedom of the press, in order that the Government might prevent the insertion of articles offensive to France. What was Lord Hawkesbury's dignified and proper reply? He said:—

"The French Government must have formed an erroneous judgment of the disposition of the British nation and of the character of its Government, if they have been taught to expect that any representation of a foreign Power will ever induce them to consent to a violation of those rights on which the liberties of the people of this country are founded."

One of those rights was the freedom of the press, and it was to the laws affecting the press that this passage referred. The Government of that day refused—as they were bound to refuse—to propose to Parliament, at the dictation of a foreign Government, measures which would fetter and restrict the liberty of the press. But what did Lord Hawkesbury do? Did he refuse demands of another kind, which were made upon the English Government? Far from it. At that time an Alien Act was in existence; and the Government could not say that the law did not authorize them to deal with foreign refugees in a different manner from that in which they were enabled to deal with subjects of the realm. So long as an alien obeys the law, he is now free to remain in this country; but, at that time, an Alien Act was in existence; and though the powers which it conferred upon the Government were intended to enable them to maintain the internal tranquillity of this country, yet, feeling the pressure of the demands made upon them by France, they did undertake to send out of the kingdom certain refugees whose expulsion had been demanded by the French Minister; and they further intimated that if other refugees committed acts which, although complained of by the French Government, were not punishable by law, they also would be sent out of the country. We have no power, thank God! to make such concessions to any foreign Government, and we do not ask for any such power. Indeed, we should be ashamed of submitting such a proposition to Parliament, and we know that it would be at once repudiated by them. But Lord Hawkesbury, in refusing to propose to Parliament, at the dictation of the French Government, any Bill for altering the law with respect to the press, declared the willingness of the British Government to afford to every foreign Government all the protection against such offences as were complained of—those offences being libels, and not assassinations—which the principle of the laws and constitution of this country would admit. Now, I ask whether there is anything in the course we are now pursuing, which contrasts unfavourably with the course adopted by Lord Hawkesbury in 1802? Is our proposition contrary to the principles of the law and constitution of this country? Will any man say that it is contrary to the principles of our law and constitution to propose that a conspiracy to murder—that the crime of inciting and instigating persons to commit murder—shall be a felony punishable, not capitally, but by penal servitude or imprisonment of three years' duration at the discretion of the Court? I confidently assert that there is nothing in that proposition which is in the slightest degree abhorrent to the principles of our law and constitution. I have shown that the principle embodied in the Irish Act is entirely consonant with the principle of our laws, and we do not hesitate—as we believe a necessity exists for such a proceeding—to ask Parliament to render a similar law applicable to the United Kingdom. We do not ask you to make the offence capital, but to impose a punishment which we hope will exercise a deterring effect on men disposed to engage in such conspiracies as I have referred to.

Allusion has been made to the insertion in the *Moniteur* of certain addresses presented to the Emperor of the French. Now, I am not here to defend the publication of those addresses. They were, I admit, insulting to this nation; they have been deeply felt by the people of this country. But even if no apology had been made — if no regret had been expressed — for their publication, I should hesitate to agree with those who argue that, although we are convinced an amendment of the law is required, yet on account of the insertion of these addresses in the *Moniteur* we should abstain from taking that wise, judicious, and temperate course which, independently of the publication of

such addresses, we should have been disposed to adopt. I think the undignified course for a great nation should be—instead of showing itself too sensitive to such expressions as I have alluded to, even where they are supposed to have received the sanction of the ruler of the country, to follow its own conviction in the way of legislation, and if we are convinced that an amendment of the law is necessary, that amendment should be made. What we purpose will enable us to give a complete and satisfactory answer—or what ought to be a complete and satisfactory answer—to the complaints of foreign States, and will show them that we do not afford undue protection to assassins, but that while we receive refugees of all political opinions, we render them liable, equally with our own subjects, to penalties calculated to deter them from the commission of crime. That is, I think, the course we ought to pursue, irrespective of anything that may happen in foreign countries. But the case is somewhat altered since this subject first attracted attention; for the French Government, on being informed—not by Her Majesty's Ministers, but by the representative of France in this country—a gentleman well able to appreciate the force of public feeling here, quick to observe, and faithful to inform his Government of the state of public opinion here—the French Government, on being informed of the feeling entertained, and justly, by the English public with regard to these addresses, expressed their regret and the regret of the Emperor himself at their publication. The argument as to time founded upon these addresses appears to me to fail, unless it can be shown that the amendment or alteration of the law which we propose is in itself objectionable, or unless it can be maintained that the law, as it at present stands, is calculated to deter from the commission of these crimes. But now that argument seems to me wholly untenable. The hon. and learned Gentleman opposite (Mr. Warren) hopes that the despatch of Count Walewski, expressing the regret of the Emperor, which was referred to last night by my noble Friend (Viscount Palmerston), will be laid before Parliament. I can assure the hon. Gentleman that that despatch will be laid before Parliament this evening; but as it is a short document perhaps the House will permit me now to read a translation of it. It is a despatch from Count Walewski to Count Persigny, dated "Paris, Feb. 6, 1858," and is in these terms:—

"M. le Comte,—The account you give me of the effect produced in England by the insertion in the *Moniteur* of certain addresses from the army has not escaped my attention, and I have made a report of it to the Emperor. You are aware of the sentiments by which we have been influenced in the steps we have adopted with Her Britannic Majesty's Government, on the occasion of the attack of the 14th of January, and of the care we have taken, in applying for its concurrence, to avoid everything that could bear the appearance of pressure on our part. All our communications manifest our confidence in its sincerity (*loyauté*), and our deference for the initiative being taken by it; and if, in the enthusiastic manifestations of the devotion of the army, words have possibly been inserted which have seemed in England to be characterized by a different sentiment, they are too much opposed to the language which the Emperor's Government has not ceased to hold to that of Her Britannic Majesty, for it to be possible to attribute them to anything else than inadvertence, caused by the number of those addresses. The Emperor enjoins you to say to Lord Clarendon how much he regrets it. [*Loud cheers from both sides of the House.*] I authorize you to give a copy of this despatch to the Principal Secretary of State for Foreign Affairs."

I think that despatch, which I trust, from the cheers with which it has been received, is satisfactory to the House—shows that no valid objection can be made to the introduction of this Bill at the present time on account of the insertion of certain addresses in the *Moniteur* by what appears to have been inadvertence on the part of the Government of France, and for the existence of which regret has been so frankly expressed. I hope, for the reasons I have stated, that the House will agree to the introduction of this Bill, and that the debate will be continued in the calm and temperate tone which it is most desirable should be maintained upon this question.

Mr. BOVILL said, the right hon. Baronet had pressed upon the House the various grounds on which he proposed that this Bill should become law, but he had been obliged to admit that the opposition with which the Bill had been received, was mainly founded on the time, the occasion, and the circumstances under which it was submitted to Parliament. If it had been intended that the matter should be introduced into the House as a part of the general criminal legislation of the country, it would have been included among those measures for the consolidation of the law, of which notice had been given by the Solicitor General, and which were to be introduced, not simply for the consolidation, but for the amendment of the law. But

this Bill was one of an extraordinary character. Instead of being placed in the hands of the law officers of the Crown—or of the Secretary of State for the Home Department, under whose charge it would more properly have been—it was brought forward by the First Minister of the Crown, and was the first Bill submitted to the consideration of the House since the reassembling of Parliament; and that, too, at a time when other pressing and important matters were engaging their attention. Under what circumstances was this Bill brought forward? Was it in consequence of convictions forced upon the Home Secretary and the Government that the existing law was insufficient to repress conspiracies, or was it proposed in consequence of the demands of the French Government at the instance of the Emperor? Instead of being founded on its own intrinsic merits, the foundation on which it rested, and the ground on which it was brought forward were, he believed, to be found in the despatch of Count Walewski. That despatch, which he regarded as the immediate cause of the Bill, was accompanied by statements on the part of Count Persigny and other French Ministers, and also by publications in the *Moniteur*, which naturally offended the people of England. He rejoiced exceedingly at the despatch which had just been read, expressive of the Emperor's regret at the tone of the addresses published in the *Moniteur*; but it should be remembered that other statements and insinuations had been made in Count Walewski's despatch, as to which no explanation had been given and no regret had been expressed. There were expressions in that document which, though couched in courteous language, were an insult to England, her institutions, and her laws. There was a direct and distinct charge that we were protecting assassins, and that we were favouring their designs and continuing to shelter them.

The words were—

"It is assassination, elevated to doctrine, preached openly, practised in repeated attempts, the most recent of which has just struck Europe with amazement. Ought, then, the right of asylum to protect such a state of things? Is hospitality due to assassins? Ought the English legislation to contribute to favour their designs and their plans, and can it continue to shelter persons who, by their flagrant acts, place themselves beyond the pale of common right, and under the ban of humanity?"

What were these questions that were so significantly put? It went on to say that, in submitting these questions, the Emperor "re-echoed the sentiments of the country." Was it the sentiment of France that we had been protecting assassins and favouring their designs, and that we continued to shelter them? Was that the feeling that had re-echoed throughout France? The despatch of Count Walewski stated that it was. Then he asked the House, before they legislated on such a ground as this, to ask themselves whether they were satisfied that a despatch like that, should be received by the Government of this country, and that no answer should be given to it, and no denial made by Her Majesty's Government of the truth of those statements. Was there an Englishman who would not deny the truth of them? and yet when the First Minister of the Crown was asked what answer had been given, he said no answer had been returned. In Lord Hawkesbury's despatch there were remarkable passages, with reference to the demand made on this country as to the law of libel, which were applicable to the present day. Lord Hawkesbury said—

"Whether their conduct is to be referred to temper or to policy the effect of it may still be the same."

The effect throughout France of the publications in the *Moniteur* must necessarily be the same where there is an attempt to force on this country a change in our laws. And now let him take another passage, and see whether the language of it ought not to be the language of the Government of the present day—substituting 'conspiracy' and 'liberty of the subject' for 'llbel' and 'liberty of the press,' it would read as follows:—

"His Majesty cannot, and never will, in consequence of any representation or any menace from a foreign Power, make any concession which can be in the smallest degree dangerous to the liberty of the 'subject' as secured by the constitution of this country. This liberty is justly dear to every British subject. The constitution admits of no previous restraints upon 'it,' but there exist judicatures wholly independent of the Executive Government capable of taking cognizance of such 'offences' as the law deems to be criminal, and which are bound to inflict the punishment the delinquents may deserve; these judicatures may take cognizance not only of 'conspiracies' against the Government and the Magistracy of this kingdom, but as has been repeatedly experienced, of 'conspiracies' against those in whose hands the administration of foreign Governments is placed. That our Government neither has nor wants any other protection, than what the laws of the country afford; and though they are willing and ready to give every foreign Government all the protection against offences of this nature which the principle of their laws and constitution will admit, they never can consent to re-model their laws or to change their constitution to gratify the wishes of any foreign Power."

He thought that this language of Lord Hawkesbury's despatch, refusing to new-

model the laws or to change the constitution of England at the bidding of any foreign Power, might have been advantageously studied, and adopted in an answer to Count Walewski's despatch, before Parliament was called upon to legislate on the basis of that document. As it was, the Count's letter would go down to posterity, and it would be said that the Prime Minister of England acquiesced in the charges thus made, and immediately submitted to Parliament a Bill founded thereupon. His objection to the measure, then, went to the time and the occasion of its introduction, though had it been brought forward under other circumstances Parliament might, perhaps, have properly been called upon to consider and possibly to acquiesce in it. The Bill then having been introduced into Parliament at the instance of the Emperor of the French, he would ask the House to reflect whether the Bill would effect the objects desired by the French Government. He had listened with attention to the speech of the Home Secretary, because he thought he might collect from it the views of the Ministry, and of the Law Officers of the Crown as to the present state of the law. He heard his observation with reference to the Lord Chief Justice of England, and the views expressed by another noble Lord, but he had certainly heard no reasons why their statement of the law was incorrect. It was not stated by the noble Lord when he introduced the Bill that there was any doubt about the law. It was clear that this measure was brought forward, not because the law at present failed to meet the case of a conspiracy, but because it was considered necessary to increase the punishment now awarded to the offence, and thus deter others from committing it. If, then, the law as it at present stood would reach persons who might have been guilty of conspiring against the life of the Emperor, why was it that no steps had been taken to put that law in force? Why had there been no attempt to trace out the conspiracy here, if any there had been? And why should Parliament be asked to increase the punishment for conspiracy without trying the power of the present law, as interpreted by such high authorities as Lord Campbell and Lord Brougham, to punish the offenders? The reason was because you could not obtain adequate proof of these conspiracies. They were matters debated in secret, and every lawyer must know that although nominally an indictment might be for conspiracy, yet in reality it was for the commission of the overt act which proved the conspiracy. It was a mere mockery, then, to say that the passing of this Act of Parliament, or of a tenfold more stringent measure, would prevent the commission of the crime. Those persons who were inclined to attempt the life of a foreign Prince would do so, whether the law relating to conspiracy remained as it was or was made far more penal, and we should be deluding the Emperor of the French if he were allowed to suppose for an instant that this Bill would give him the slightest additional protection. He (Mr. Bovill) felt satisfied that if the measure passed it would remain sleeping in the statute book, and that no additional steps would be taken to bring the guilty to justice; for the Government did not know and could not discover them. What would have been the result had the measure formed part of the law of the land before this attempted assassination? What steps, he would ask, could, under those circumstances, have been taken by the Government of England to prevent or detect the conspiracy? How would it have been possible for them, even under the operation of a measure such as that which they now proposed, to deter those infamous wretches who had lately sought to assassinate the French Emperor from proceeding to the perpetration of their heinous offence? Why, if the Bill were to become law the very next day, and a similar attempt were to be made, the Government would find themselves as powerless as they were at this moment to prevent that attempt from being carried into execution. And what would be the result? They would have, addressed to them over again, representations precisely similar to those which were contained in Count Walewski's despatch. With the spirit of those representations they would in all probability find themselves unable to comply; and would it not, under those circumstances, he would ask, be better to pursue the course and adopt the tone of Lord Hawkesbury, and further to say to the French Government, "It is absolutely impossible that we can introduce such a measure as you desire." The Bill under discussion would, he felt confident, be found to be ineffectual for the attainment of the object which its authors seemed to have in view, and as a consequence the language which would be addressed to us by the Government of France —if ever an incident such as that which had recently occurred should again take place—would naturally be, "You have

passed a law which has practically been found to be of no avail. We now require that for the protection of our Sovereign you expel those foreigners who may be *suspected* of plotting against him from your shores." A proposition such as that would, of course—as ought to be the case—meet with no favour from the Government of this country. Upon the further ground, therefore, that in passing the Bill before them into a law the House would not in reality be complying with the wishes of the French Government, as expressed in the despatch to which he had adverted, and would but be opening the door to fresh demands of a similar character and perhaps for the substitution of suspicion for proof and the adoption of different evidence and French means of detection, he, for one, should record his vote against its introduction. Now, he would ask the House to consider for a moment how the question with which the Bill proposed to deal had been treated. The Solicitor General, on the part of the Government, had announced it to be his intention to lay upon the table very shortly a series of measures, whose object was the consolidation and amendment of our criminal law. The Bill under discussion had, according to the statement of the right hon. Baronet the Secretary for the Home Department, been submitted to the notice of Parliament with an object precisely similar. Why, then, had not its introduction been deferred until it could be dealt with in conjunction with the other measures to which he had alluded? The only reason could be, a desire upon the part of Her Majesty's Ministers, to comply with the demands which had been addressed to them by the Emperor of the French. The cause of the haste which they had exhibited could not, at all events, be found in the circumstance that no foreign conspirators had until lately taken up their abode in this country, inasmuch as, if the statements made by Count Walewski were correct, they ought to be aware that assassins had one after another issued from those shores during the last half century. Again, let him ask why had not the introduction of the Bill been delayed until the general criminal law of the land had been brought under the consideration of Parliament? Was it to stand as a measure by itself, or to be afterwards consolidated with the other measures of which notice had been given? These were questions to which he should like to receive an answer. He should also wish to ascertain—dealing as it was proposed to do with foreigners charged with conspiracy against their own Sovereign—why it was that they sought refuge in this country? Were they driven from their homes and compelled to land upon our shores against their will by the Government of France? He had seen statements published which, if true, would at once account for the existence of those conspiracies, in reference to which so much had been said. It had been publicly mentioned by one who had represented himself as an eye-witness of the fact, that he had seen foreigners, starving and penniless, marched under the charge of gendarmes to the coast of France, and compelled to seek an asylum in England. If that were so, should the House of Commons not pause before it proceeded to legislate against those men? Nor were the statements to which he referred confined to the case of French refugees. He found that a petition had upon the 14th of March, 1845, been presented to that House from certain Spanish refugees—Carlist officers and soldiers—who stated that they had been sent from prison to prison in France, and that, notwithstanding their repeated requests to be sent to some other country where they might be enabled to gain a subsistence, they had been forcibly landed on our shores and there left without the smallest provision for their support, and were thus forced to seek an asylum in England. These were facts which in his opinion called for inquiry, though he, for one, should be extremely sorry to shield from the punishment which they deserved men who partook of our hospitality only to abuse it. The time, however, which had been selected for introducing the measure under the notice of the House he deemed to be inopportune. If the Bill were passed into a law at the present moment the impression would be conveyed to Europe and the world that that course had been taken at the dictation of a foreign Sovereign. What, then, he would ask, would be the position of States weaker than our own? If England were to succumb to the demands of France, what reasonable hope of being able to resist similar demands could *they* entertain? He should no longer trespass upon the time of the House, but should content himself with recording, for the reasons which he had advanced, his opposition to the introduction of the Bill.

MR. BERESFORD HOPE was altogether opposed to the proposed law. The

Bill came before them with one of three claims. It was either a measure desirable as a practical improvement of our criminal law, or it was practically desirable for the purpose of redressing outrageous crimes, or else it was necessary as a matter of political expediency. Now, that its introduction did not involve the question of practical reform in our criminal law was evident from the circumstance that upon the Orders of the House for that very day appeared notice of certain measures which were about to be submitted to the notice of Parliament by Her Majesty's Solicitor General for the consolidation and amendment of our system of criminal procedure. In that large category of reforms it might have been introduced if the question was merely one of the amendments of the law. As a necessary measure of law reform it was out of the question. Then, was it necessary as a measure of practical expediency? Would any one say that if the law proposed to be enacted by this Bill had been in operation some years ago, Pierri or Orsini would have been deterred from conspiring by its penalties, or that its provisions would have enabled France or England to lay hands upon them? Would any one say that the provisions of this Bill would henceforward enable the authorities in England and France to lay their hands upon the really guilty parties? Why it would be trifling with common sense and with the facts of the case to suppose that it could have any such effect. Those men had all but succeeded in their abominable designs, and, but for the interposition of Providence, would have accomplished the plans which the inconceivable blundering and ignorance, if not connivance, of the French police allowed them to mature; and then the Government of the Emperor turned round upon England and taxed her with fostering conspirators and assassins by the criminal leniency of our laws. But how would such a Bill as this mend matters? How were they to get hold of parties charged with attempting to conspire? He believed of all indictments against criminals in none would it be more difficult to bring home the proof than in one under the present Bill, except through the agency of spies and traitors and secret informers, whom it never had been the policy either of our Courts or of our Parliament to encourage. People had argued as if conspiracies against a foreign sovereign could be matured here, and as if they did not become full blown abroad. The main duty of one Government towards another was to afford that other Government every facility in its power for discovering and arresting the criminals when they landed in order to commit the offence: and then it was its duty to deal with them according to its own law. An indictment for a conspiracy was heretofore, by a wise leniency, treated with a light punishment in this country, because it was the spirit of our laws to give the accused, under such circumstances, a *locus pœnitentiæ* up to the last moment, and until the blow was actually struck. How often did it happen that a number of hotheaded persons in their silly moments laid their heads together to form a forcibly feeble conspiracy, while the next day in their sober senses the fumes of that enthusiasm evaporated, and the conspiracy died in its conception; but not until one of them had played the informer. If the Bill passed, their folly would be visited by the severest punishment known to the law next to the sentence of death. The wisdom of our policy was proved by the rarity of the convictions which took place in this country for conspiracies of this kind. Of course if the blow was actually struck, the offence of conspiracy to murder became one of a very serious character, and one with which the existing law was quite competent to deal. He hoped, therefore, that the House would uphold the wise principle of our jurisprudence, namely, that it was better to let the guilty escape than cause the innocent to suffer. Thus the second reason for this Bill was got rid of, and it only remained to consider it as a measure of political expediency. Was it wise or expedient at the commencement of a Session in which measures of vast social importance were to be discussed—the internal constitution of that House and the government of the most magnificent dependency that any empire could ever boast of being among them—that the First Minister of the Crown should ask them to alter a portion of the law of asylum, which was the glory of the country, at the dictation of a foreign Sovereign, backed by the insolent menaces of the colonels of the French army? This, too, was to be done because the French Government had felt its own weakness—how little it could rely upon its boasted police, its boasted organization, its boasted espionage; and with all those repressive and protective appliances at its command that Government now came to us with a bootless cry to assist

Mr. Beresford Hope

them from their dilemma. It was said that to preserve the *entente cordiale* the Bill should be passed. But how did the present measure bear upon the *entente cordiale?* He (Mr. Hope) should be the last person in the world to wish in the least degree to impair the friendship which bound the two empires together; but he believed that nothing would tend more to weaken the tie than for the legislature to accept the Bill now offered to the House at the dictation of Count Walewski. The alliance between France and England was a geographical alliance—a social and commercial alliance—and the more it was maintained upon those grounds, and the less each country sought to meddle with the political organization of each other, the more the stability of that alliance would be insured. England had gone on quietly with her own old system, modifying it in accordance, not with the demands of foreigners, but with her own sense of her own wants. France, on the other hand, had rushed from one extreme to another—from an excess of liberty to an excess of absolutism. Yet when she was under the rule of Cavaignac it was as incumbent upon us to preserve the friendship of France as it was to keep it now that she was under the sway of Napoleon III. But how could we hope to do so if we committed ourselves to anything that might wear the aspect of complicity with any of the widely different parties which at any particular time might happen to be supreme? In the addresses of the army England was characterised as the "den of assassins;" and although the language of Count Walewski was perfectly civil, it really came pretty much to the same thing. But the House should bear in mind the diversity of the ideas which foreigners, even the best educated and most sensible of them, entertained with regard to England. By one part England was regarded as the foe of order and the accomplice of outrages like that which had just taken place. On the other hand, there was a party, and that, too, a party which in 1848 obtained the supreme authority, who talked of the "cold shade of an aristocracy" in England, and who spoke of our feudal institutions as hostile to personal liberty. What then was the inference to be drawn from these two views, so widely differing, and both so ludicrously opposed to the fact? Why, that we were walking in the just medium between the two extremes most conducive to real liberty and good order? and that our course must be a wise one, if, when viewed from different sides, it could present such a different aspect. Having discovered the just and salutary medium it would be the extreme of folly, the extreme of pusillanimity, to deviate from it in order to gain the temporary approbation of, and give an illusory satisfaction to the party which happened to be in power in France, which would respect us the more we refused compliance with demands which it knew to be inopportune and ungrounded. The addresses in the *Moniteur* had been characterised by the right hon. Gentleman the Home Secretary as justly offensive to this country; and if he so interpreted them, what in less prejudiced eyes could be said of them? Now, however, the House was told that the Emperor of the French had expressed his regret for the offensive expressions contained in those addresses. But what said the despatch in which he was alleged to have done so? Did it contradict one single inference that might be drawn from any of those military addresses, or from the previous despatch of Count Walewski? No such thing. The first despatch of Count Walewski threw out imputations against England as a country, as a popular body, and as represented in that House. What did the second despatch do? Did it express one word of confidence in England or of apology to England? No. It expressed confidence in Her Majesty's Ministers; and that the people of this country were to accept as a full, sufficient, and complete apology for all the offensive expressions that had been published in the *Moniteur*, and for all that had been insinuated in the first despatch of Count Walewski. Would this second despatch be allowed insertion in the French papers? It would no doubt appear in the English papers of to-morrow, but there was such a thing as a system of seizing papers on their arrival in France by the post-office authorities there, and the despatch in question would be thus excluded from the knowledge of the French population. Would the despatch appear in the official or non-official portions of the *Moniteur*, in that part of the *Moniteur* in which the military addresses had appeared? Most probably not. To deny that that paper was not, body and soul, from the "M" of its title till the last letter of its eighth page, the property of the French Government, was an absurdity which no one in his senses could believe. That

organ of the French Government was circulated in every direction, right and left, where the influence of the Government could force its sale. In France there were 20,000 placemen who were bound, as the price of their places, to buy and read the *Moniteur*. Who can doubt that those 20,000 placemen had bought and read the copies of the *Moniteur* which contained the truculent brutalities of the Tribunes of the Prætorian Guard, as embodying the word of order from the supreme central authority of France. But would they have equal opportunity of reading the despatch of the 6th of February, which had been elicited by the public feeling of England? And how would that apology of the 6th of February do away with that strange "inadvertence" on the part of the editors and writers in the *Moniteur* which had had such an effect in this country, and in another sense in France? Editors in France in these days were dealt with by the ruling power in a manner more summary than agreeable. Such things as journals being warned and suppressed, and as editors being called into the *sanctum* of the Prime Minister, and soundly rated, were matters of common occurrence there. Had the editor of the *Moniteur* received the smallest reprimand for his "inadvertence" in this affair? There was another spectacle in France. At a time when we were called on by the French Government to alter our existing system of mild jurisprudence and of protection to the liberties of Europe, we saw that favoured empire subjected to a new military organization. We saw it divided into five provinces, each under a Marshal of France, and the Duke of Malakhoff, the future Marshal General of France, placed in the Council of Regency which had recently been created. We saw also the announcement that the department of Police was to be withdrawn from the French Home Office and placed under an independent Minister of State. We saw, too, the Home Minister cashiered, and a General officer appointed Minister of the Interior. All this had followed the promulgation of the new law for the protection of the existing Government in France, the stringency of which had formed the theme of comment everywhere in this country, and was hardly accepted even within the walls of the Council of State. Now, whether or not all these measures were for the order and safety of France, he (Mr. Hope) would not take upon himself to say. Perhaps they were. Perhaps France was sick of liberty. A gagged press and a police spy in every saloon were perhaps desirable things: but that was their look out, and not ours. Only let it continue to be their look out, and let the *entente cordiale* be maintained. Let us, if possible, live in amity with France, and France with us. Let us leave her her centralization and despotism, if such were her choice; but let there still be liberty for England, freedom from martial law, liberty of locomotion and liberty of speech, which were the birthright of Englishmen. We must, however, to preserve these, maintain our existing system as it was, and not leave it to be believed on the Continent that England, "the refuge of assassins," had postponed the consideration of its great Indian question and its affairs of State in order to introduce a change in its system of criminal jurisprudence at the dictation of a foreign Minister. Some years ago the noble Lord at the head of the Government subjected himself to the strong animadversion of the Austrian and some of the French journals for giving an interview to Kossuth; and now, on less provocation—for the supposed organization of a conspiracy in England, which had not yet been proved to have been hatched here—the House of Commons was called on to commit the monstrous anachronism of amending our criminal law by an enactment utterly feeble and futile, and one which no lawyer on either side of the House had yet been found to endorse, and all this to give satisfaction to the authors of these menacing documents. The example of Lord Hawkesbury had been very different, and yet he was afterwards, as Lord Liverpool, the very personification of monarchical principles in this country. Under those circumstances, looking at the measure before the House as one of legal reform which would be utterly inoperative, and as a measure of State policy wholly repugnant to that friendly and conciliatory, yet liberty-loving spirit which actuated the people of England, he would undoubtedly record his vote against it.

Mr. COLLIER said, he cordially concurred in the eulogium which had been passed by his hon. and learned Friend the Member for Sheffield (Mr. Roebuck) on the right of asylum afforded in this country to political refugees of all nations, and he would go hand in hand with him in resisting any attempt to curtail that asylum or to interfere with the liberty of these per-

sons. He would also go along with his hon. and learned Friend in his opposition to the measure under consideration if it was one of surveillance to be exercised over political refugees, or calculated in any unfair way to curtail their rights or privileges. But as this was a measure to which no objection of that kind was fairly applicable he should give it his support. He was surprised to hear it said that this measure would have the effect of curtailing the liberty of such persons; it was new to him (Mr. Collier) that preventing a man from fabricating hand-grenades or from conspiring to commit the crime of assassination was an interference with his liberty. He thought it a calumny on the great Kossuth, for whose talents and patriotism he entertained unfeigned admiration, to say that such a measure was calculated to abridge the liberty he enjoyed in this country, since he was the very last man in the world likely to abuse that liberty. He (Mr. Collier) would not attempt to follow his hon. and learned Friend the Member for Sheffield in the contrast he drew between Napoleon the Great and Napoleon the Little, to use his hon. and learned Friend's designation;—it was quite irrelevant to the question. He would merely observe that the French Emperor might well be surprised to hear pronounced by the lips of any Englishman a eulogium of our bitterest enemy, at the expense of our Ally. All humane and philanthropic men might well be surprised to hear an eulogium of one of the great destroyers of the human race, at the expense of a friendly monarch who cultivates the art of peace. He regretted to hear from a member of the Peace Society inflammatory language addressed to the Emperor of the French, and he could not help thinking that a few more peaceful members of the same kind on both sides of the Channel would be enough to set the two countries in a blaze of war. He would address himself calmly and deliberately to the question, apart from the irritating topics introduced into the discussion, and would consider how it would have stood supposing the addresses of the French colonels had never been published in the *Moniteur*. The English nation were shocked by the intelligence of an attempted assassination of a great Monarch, our Ally, under circumstances of peculiar atrocity. They were further shocked to find that unconsciously they had harboured the assassins, and that in all probability the assassination was contrived in this country. Surely, that was sufficient to direct attention to the state of our law. What was the state of our law as it at present existed? He ventured to assert that until the statement was heard from the Lord Chief Justice of the Queen's Bench, there was no lawyer in Westminster Hall who could affirm, with positive certainty, that a conspiracy of two foreigners to murder a foreigner out of this country was an offence against our laws. No lawyer doubted that a conspiracy on the part of two Englishmen in this country to murder the Emperor of the French would be an offence against our laws, because if murder were committed by an Englishman abroad the statute of 9th *Geo.* IV. made that an offence punishable in this country. But that statute did not apply to foreigners, and he had heard contrary opinions maintained with great pertinacity upon the question whether foreigners, being guilty of a conspiracy to do that which when done was not an offence against our laws, would be amenable to our laws in the same manner as Englishmen. For himself, he thought it would be an offence by our law, because murder was *malum in se*, and therefore a conspiracy to commit it might be reached and punished. When, however, serious doubts were entertained upon a question of so much importance, not only by laymen but by lawyers, surely legislation ought to be applied to declare what the law was. But, assuming that it was an offence, it was only a misdemeanour, punishable by fine and imprisonment. It was a less offence than picking a pocket, and about the same as bribing at an election. He would state to the House some cases in which it was declared what conspiracy was. It was conspiracy "to impose pretended wine upon a man, as for true and good Portugal wine, in exchange for goods," or "to charge a man as the father of a bastard," or "for persons to cause themselves to be reputed men of property in order to defraud tradesmen." The hon. and learned Member for Sheffield asked why they were to increase the punishment of this kind of conspiracy? His answer was because the crime was greater. It was a greater moral offence—it was a greater offence against public policy. It was absurd to rank in the same category as the offences he had quoted a conspiracy to commit wholesale murder, the effect of which might be to disturb the peace of Europe. When it was doubtful whether an offence was punishable at all, and where

there was no doubt that, if it were punishable, the punishment was inadequate, it became our duty to revise the law. If that were so, then the only question was whether this was the proper time. It seemed to him that the time to revise the law was when public attention was called to its defects. That was our system of legislation. We were not a codifying people, and did not pretend to act upon system; but were in the habit of legislating upon exigencies, of which the Fraudulent Trustees Act was a very recent example. That was only passed after our attention had been called to the defect in our laws by the insolvency of a well-known banking establishment, and it was consistent with the spirit of the constitution at once to remedy it. And here our attention was called to the state of our law by a grave conspiracy to assassinate an ally; and it was a question among lawyers whether it could be reached and punished by the law of England. There was an additional reason for putting the law upon the right footing when they found that the law of Ireland was totally different from the law of England, and that, while in England this offence was one of the lowest, in Ireland it was one of the highest. They found the law required amendment, and it seemed to him carrying John Bullism to an unreasonable extent to say, "We won't put it right because the French tell us of it." He thought the French Government had a right to make representations with calmness and moderation. The French Government might very well say, "When Peltier libelled Napoleon, your enemy, you prosecuted and convicted him. We now ask that those who conspire to murder Napoleon, your friend, shall meet with exemplary punishment." If he had succeeded in showing that it was a proper thing to do, and the right time to do it, the question was reduced to this—were they to abstain from doing it on account of the addresses of the French colonels? He did not suppose that any Englishman would be inclined to legislate or not to legislate in consequence of anything which a French colonel might say. Unquestionably, it became a graver matter when the addresses appeared in the *Moniteur;* and, had he not heard that the Emperor had publicly apologized, he should have had the greatest difficulty in supporting this measure. But when he considered that the man against whose life the attempt had been made might very naturally feel some irritation and perturbation—that the greatest indignation must be felt in the country where the attempt occurred—that if it had happened in London, instead of in Paris, we should not have viewed it with the same comparative tranquillity, and that shortly after the appearance of the addresses in the *Moniteur* an apology was publicly and openly made in a despatch to Her Majesty's Government, it seemed to him scarcely consistent with the dignity of this country to say, "We have discovered a defect in our law, and we wish to remedy it; but because of these addresses we will not." He thought there were no adequate grounds for resisting this improvement in the law; he should, therefore, give his vote in favour of the Motion.

Mr. W. HUNT said, he had no objection to make the offence of conspiring to commit murder a greater offence than those trifling offences which were mentioned by the noble Lord last night, and had been again adverted to by the hon. and learned Gentleman (Mr. Collier.) That was not the question. The question was, whether they were prepared to make a substantive alteration in our law? He did object to supporting this Bill for the purpose of making it an offence punishable by our law for persons resident in this country, to conspire with persons who were abroad. A great deal had been said about the difference between the law of England and Ireland on this subject. The reason was obvious. Conspiracy to commit murder in Ireland was for many years a thing of no unfrequent occurrence — in England it was almost unknown — and consequently the Parliament legislating for England was content to let the question of conspiracy to murder rest on the common law, which made the crime punishable, like conspiring to commit any offence punishable by statute or common law, while in Ireland it had been found necessary to enact a much severer punishment. He would have no objection to assent to a Bill which merely sought to make the law of the two countries on this point uniform; but this Bill went beyond that: it made a felony the act of a person in England conspiring with another person abroad to commit a murder abroad. He asked the House to consider how such a conspiracy was to be brought home to the person resident in England? How could the common agreement of the two persons be proved? It could only be by the production of letters passing between the two conspirators, and giving evidence of the

acts done by the one living abroad. Supposing a political refugee in England obnoxious to a foreign Government in alliance with our own, who were desirous to prosecute him, how was the prosecution to be conducted against him for conspiring with another person residing within the jurisdiction of that foreign state? In order to fix him with the offence, the letters passing between them must be opened both here and abroad. Was that not a formidable engine to place in the hands of a foreign Power? Would it be right or wise to allow letters opened abroad to be produced in an English court of justice against persons living under the protection of our Sovereign? No such thing was ever known in the English law. These were the reasons why he opposed the Bill; and he hoped before the debate concluded some of the law officers of the Crown would give the House the benefit of their opinion upon the subject. The Bill, instead of merely making that a felony which was now a misdemeanour, and rendering the law more uniform, introduced something entirely novel in the English law and English notions. With regard to the time at which the Bill was brought forward, he certainly thought it would have been better if it had not followed so immediately the French despatch; but that was not a sufficient reason why the alteration, if a good one, should be rejected. He much regretted that the despatch of Count Walewski had been laid on the table unaccompanied by a dignified and proper answer to it on the part of Her Majesty's Government.

MR. WHITBREAD said, he could not allow this discussion to pass without saying a few words to set himself right with his constituents whilst giving his hearty support to the Bill of the Government. He was not one to be dragooned into assenting to a measure; and it was, with great pleasure he heard the able speech of the Home Secretary, in every word of which he entirely concurred. He was glad the debate had taken a different turn from what it did on the preceding evening. Last night, when he looked for opinions and reasons, he heard nothing but expressions of feeling. It seemed then as though hon. Members, having come down in expectation of an Alien Bill, had been disappointed to find nothing of the sort presented to them, but had still refused to withdraw their opposition. He could not regard the time for the introduction of this Bill as inopportune. An odious plot had been concocted in this country, and though by a miracle it failed of complete execution, it had resulted in death and injury to many innocent persons. What wonder, then, at the irritation which existed in France? Let the House place itself in the position of the French nation; or suppose a plot had been formed in France against the life of the amiable and illustrious lady who reigns over this country, and had been so nearly successful, would not the feelings of the people in this country have been greatly excited, and would not their language have been strong? Would the House of Commons have been contented with a despatch asking for no more than that of Count Walewski? Considering the circumstances, that despatch was moderation itself. A plot was concocted in this country against the Emperor which the French system of espionage would have discovered long ago, and the French Government wrote thereupon to the English Government, not dictating to them what should be done, but merely desiring them, if there were any alteration which could be made in our law to prevent the recurrence of such plots, to take the earliest opportunity of proposing that alteration. Surely, our answer to that demand ought not to be, that we acknowledged our law to be defective, but that since we had been called on by a friend to make a change now, we would not do it. He regretted the language made use of in the speech of the hon. and learned Member for Sheffield (Mr. Roebuck) as not calculated to strengthen the good feeling, that it was so desirable to maintain, between the countries of England and France. That language was nothing but a Parliamentary answer to the addresses in the *Moniteur*, of which so much complaint had been made, and it had been said that it was to be looked at in that light rather than as an argument against the Bill. Still it must be remembered, that these addresses had been apologized for; it remained for the hon. and learned Member to apologize for his speech. The hon. and learned Member had stated that when the punishment for forgery was death there was a great difficulty in obtaining a conviction, and he had traced the great facilities for obtaining conviction for that offence to the diminution of the punishment to imprisonment or transportation. This was exactly the principle on which this Bill proceeded—it substituted for the punishment of death the

punishment of transportation. [*Cries of* "No, no!"] In Ireland the punishment for conspiracy to murder was death, but this Bill commuted it to transportation. The Bill did not create a new crime; nor did it in any way alter our policy with regard to refugees. He could not see in it any attack upon the bulwarks of our freedom, which was as dear to him as to any man. With the hon. and learned Member for Midhurst (Mr. Warren) he trusted that for a long time to come political exiles when they saw our white cliffs would bless them, and say, "There is the land where the weary are at rest," aye, and "where the wicked cease from troubling." Our liberty was great because it was founded on principles of justice; our freedom was sure because it sprang from the very nature of the people; but he would warn the House not to confound the liberty of the subject with the licence of the assassin. He warned them, if they regarded that liberty, not to tamper with its purity; for once let our boasted freedom degenerate into an unholy licence, and we might prepare to bid farewell to it for ever.

Mr. DENT said, that two arguments had been adduced in favour of the Bill. First it had been said that refugees who were resident in England used assassins to commit murder in foreign countries. But as yet he had heard no proof adduced that the law of England had not been sufficient hitherto to check conspiracies of that nature. What was popularly termed "notoriety" was not sufficient to constitute legal evidence, and we had never had any of these offenders brought into our courts to see what the law of England could do with them. If we could once bring the offender into a court of justice, and could adduce evidence against him, he believed that the law would be ample to convict and punish. The main argument, however, in favour of the Bill had been that it would give satisfaction to the Emperor and to the people of France; but he thought that His Majesty the Emperor knew us too well to place much value on this measure—that he knew that if evidence could be obtained to bring home the crime of conspiracy to murder to a person resident here he would be punished under the present law. Still, however that might be, he (Mr. Dent) must say that he looked upon the present as a very inopportune time for bringing it forward—not because he paid much regard to the addresses of the French colonels, but because we had been promised a general revision of the criminal law, and he thought that that would be the time for amending the law of conspiracy if it should be found to be inefficient. The House must consider the effect of assenting to this law upon foreign nations, as well as the people of England. The people of England would say that, instead of calmly considering what necessary alterations were required, we have prepared this Act at the instance and under the influence of the French Emperor, while abroad it would be regarded as a great triumph by the despotic States of Europe, who would feel that a blow had been struck at the constitutional liberties of England.

Mr. BENTINCK said, he had listened with pleasure to the speech of the hon. and learned Member for Plymouth (Mr. Collier), because its tendency appeared to have been to bring back the House to the subject properly before it, while the object of many speakers had been to introduce a large amount of irrelevant and exciting matter into the debate, in order to prevent the House from approaching a subject which, of all others, ought to be considered calmly and dispassionately. A great deal had been said about what had appeared in the French newspapers; but in order to test the importance of such articles, hon. Gentlemen should consider how they would be influenced by what appeared in the English newspapers. There were few men, probably, who were not impressed with the great advantages of a free and enlightened press; but the greatest danger to the liberty of the press was the licence of the press; and it was one of those social laws that few disputed, that when a man sheltered himself under the anonymous screen of a newspaper, and indulged in abuse and vituperation against individuals, which he would shrink from doing in his own proper person and under his own name, he sank into the most degraded and despicable of beings, and the man who could be influenced or irritated by personal abuse of that description in a newspaper must indeed have a soft head and a sorry heart. If, then, personal abuse of an unmerited description, brought forward in a cowardly manner, would be treated with contempt by all right-minded men, would it be dignified for the people of this country to admit that they could be for one moment influenced in proceedings which they thought right, in the full exercise of their

judgment and conscience, by some anonymous articles of an offensive character which had appeared in a foreign newspaper? Many attempts had been made to induce the House to believe that a variety of insults had been put upon this country; but the most insulting supposition of all was to imagine that the country could be influenced by what had appeared in a foreign journal. He would, therefore, dismiss that part of the subject. An endeavour had also been made to induce the House to believe that they could not alter the laws with respect to refugees without violating the constitution of this country. He did not see how that could be proved unless it were admitted that the liberty of refugees and the right of assassination were convertible terms. How could it be said, because they attempted to improve their legislation in order to prevent the commission of the worst description of crimes, that they were thereby interfering with the shelter afforded to political refugees? Such an argument told very little in favour of foreign refugees. A great deal had been said about the despatch from Count Walewski to Count de Persigny, and an effort had been made to show that there was something in the wording of that despatch at which we ought to feel exceedingly indignant and irate. He had read that despatch both in the original and in the translated form, and, he was bound to say, that a more courteous, a better worded, or a less objectionable document he had never read. It appeared to him, therefore, that the case which they had to deal with, leaving out these irrelevancies, lay in a nutshell. One of the grossest attempts at crime that was to be found recorded in the annals of history had lately been made in France by persons who had been for some time resident in this country, and who had left this country in order to perpetrate the offence they contemplated with weapons which had been manufactured in this country. These facts had been laid before the Government of England, and he contended that they were bound, by every feeling of humanity and common sense to take the earliest steps for effecting such an alteration in our laws as should, as far as prevention was attainable by legislation, forestall the commission of such crimes for the future. That was the paramount duty of the Government. Hon. Gentlemen opposite had objected to this Bill on the ground of its insufficiency. That might be an argument against its details, but not against its principle. If that argument proved anything, it proved that it was the obvious duty of those hon. Gentlemen to endeavour to make the Bill more stringent. No refugee living in this country, except such as were conspiring to assassinate, would be prejudiced by the Bill in the slightest degree. So long as he did not attempt to do that which was a direct violation of our laws he would be as free from its operation as if he had never set his foot on English soil. They had heard in the course of this debate very strong personal—he might say abusive—remarks against the Emperor of the French, and he wished to take that opportunity of disclaiming any sympathy with their tone. The Emperor of the French was at least a man of approved ability and of undaunted courage. He was the elected Sovereign of a nation which was in strict alliance with this country. He had proved himself a faithful and honourable ally both in peace and war. It was the opinion of himself (Mr. Bentinck), and he believed also of a great majority of the House, that to take the opportunity of a discussion of this kind to utter coarse and brutal personalities against the Emperor of the French was a departure from the usual courtesy and the chivalrous feeling which generally characterized the debates of the House, and he was convinced that the great majority of the House would regret if a similar attack were made during any of their future debates. He hoped that Her Majesty's Government would not be deterred from bringing in the Bill, on the details of which he could not offer an opinion, but the principle of which was in accordance with every feeling of humanity, and with the dictates of common sense.

MR. MONCKTON MILNES said, he must claim the indulgence of the House whilst he expressed the grounds upon which he should give his vote—grounds which he thought had not yet been stated by any other hon. Member. In the first place, however, he wished to add his congratulations to those of the right hon. Gentleman the Home Secretary and the hon. Gentleman who had followed him, upon the improved tone of the debate that evening as compared with that of Monday night. He fully agreed with the remarks which had fallen from the hon. Member for Bedfordshire (Mr. Whitbread), in a speech of great promise, as to the way in which they ought to regard the official communication from the French Minister, and also

the non-official communications in the *Moniteur*. It was perfectly true that every allowance ought to be made for the feelings which the late attempt to assassinate the Emperor of the French had created in the minds of the French nation. Had an attack been made upon our own beloved Sovereign, which we could in any way connect with or affiliate upon any moral indifference or legislative deficiency in another country, we should not have been measured either in our expressions or our demands. He would therefore put aside altogether the addresses which had appeared in the *Moniteur*. The reasons which would induce him, with great regret, to vote against this measure, were of a totally different character. A great crime had been committed by persons who, having fled from their own country charged with political offences, had taken refuge in England; and it was no ordinary feelings which had induced every man in that House to utter the same expressions with regard to it. Assassination was utterly repugnant to the history and customs of the British people; and if men were in any degree affected by the opinions of those around them—if there was such a thing as a moral atmosphere—the last place in which conspiracies to assassinate would be formed was in this country. Everything which refugees could hear in England was utterly condemnatory of such schemes. Let them even be reduced to the very lowest level of poverty and live with what were called the most dangerous classes of the community—amongst all classes they would find schemes of assassination regarded with as great detestation as in that assembly. Of late years political events had thrown upon our shores refugees of all descriptions and of various nations. He would not speak of the exile of the Emperor of France himself in this country with any other feeling than that of deducing from it the fact that, while in exile, he ought to have learnt and understood the spirit of the British people. The right of asylum—which to him was so freely accorded, and without which, in all human probability, he would not have been in his present elevated position—that right of asylum he certainly ought to be the last man to seek to deny to others. This we surely had a right to say. As yet we hardly knew anything about the great crime that had been committed in France. All we knew was that some Italians had been taken up for an attempt on the lives of the Emperor and Empress. It was well known that there was a deep excitement in the minds of the Italian people on the subject of the occupation of Rome by the French. We knew that one person, who was accused of participating in this crime, had been for a long time imprisoned in an Austrian dungeon, whence he escaped with great difficulty, and that the memoir of his imprisonment and escape had become a popular book in this country. Did that simple fact, unconnected with any other fact, except the short residence of some of the accused persons in this country, and the accidental manufacture of the hand-grenades at Birmingham—authorise the French Government to depart so largely from the general custom of nations as—before anything positive was known, before the prisoners had been interrogated, or evidence taken—with nothing, in short, more substantial to rest upon than what was called "notoriety"—to make the demand upon us which was included in Count Walewski's despatch? Unfortunately this crime was not new in France. In the last thirty or forty years there had been a great many attempts on the lives of Sovereigns; and he saw nothing in this attempt—horrible as it was—to distinguish it from previous ones. When Louis Philippe sat upon the throne of France—a monarch as closely bound to us as the present Emperor—an attempt was made upon the lives of himself and his family, quite as atrocious as the late attempt. On that occasion the loss of life of distinguished men was much larger. In that case there was no shadow of a political pretext; and it never occurred to the Government of Louis Philippe, or to a single Frenchman, to come and find fault with the English Government because Fieschi might some time have dwelt in England. In the present case, had they waited till the trial was over, and had it been proved that these persons had received assistance or the colour of favour from anybody in England, or had it been proved that any Englishman was implicated in the plot, the matter would have stood on very different grounds. But why this indecorous haste? Why, before these persons had even been subjected to any interrogatory, before anything was known but the mere fact of the crime being committed, was such a letter as that of Count Walewski addressed to our Government? He himself answered that question to a certain extent. He told us that this was

not the first time that this had occurred — that there were large numbers of persons resident in this country known to be inspired with hostile or cruel feelings towards the dynasty of the Emperor of France. If that were true, and if it meant anything—what did he ask to be done as a remedy? He asked, certainly in very courteous terms, "Is hospitality due to assassins? Ought British legislation to contribute to favour their designs and their plans, and can it continue to shelter persons who, by their flagrant acts, place themselves beyond the pale of common right, and under the ban of humanity?" That was a request for an abrogation of the right of asylum. If it meant anything, it meant that refugees should not receive the shelter and hospitality of this country because they were beyond the pale of humanity. The effect of that demand was to provoke such an expression of opinion in that House in favour of the right of asylum that no Government would venture to propose its abrogation. Her Majesty's Government had not thought fit to reply to that despatch formally, and in the terms they ought to have used, but gave their answer to the request of the French Government by the present proposal to alter the law of conspiracy in this country. He would not enter into the abstract question of the advisability of that alteration of the law, because he did not see that it met the present case in any degree. Did any Member of the House believe that if this alteration of the law existed the great crime which had taken place would have been delayed for a single moment? Did any one suppose that those men, in the madness of their patriotism, armed by a blind fatalism, and in their furious and unthinking rage against power, would have been diverted from this enterprise because you changed the crime from misdemeanour into felony? It showed an ignorance of human nature to form any such supposition. If he could suppose that the alteration of the law would have the effect of saving a single life, he would vote for it; but, believing that it would have no such effect, he could not vote for it on that ground. The measure was advocated on another ground—namely, that the country ought to make some demonstration, in order to show the French people and the French Emperor that they were not insensible to the excitement which existed in France on the subject. He could not admit the validity of that argument. He thought it was a grave matter to alter the law of England on any such ground. He did not wish in the least degree to 'demonstrate' away the laws and liberties of the people of England. If such a change ought to be made, let it be done when the law on this subject came, as it would shortly come, under the revision of the House. He saw very great difficulty in the application of this Bill to aliens, because the rights and jurisdiction of foreign Sovereigns over their subjects in this country made it very difficult to deal with the acts of aliens in any charge of conspiracy in which they might be engaged with any persons in this country. When Parliament revised the law of conspiracy this question might be fairly discussed, but they were now debating whether by the change proposed they should make a demonstration which should satisfy the French Government. He would tell the House that this measure would in no degree satisfy the French people. He believed, on the contrary, that the House of Commons, by assenting to this measure, would do nothing but show its own weakness and encourage further demands. That quick and intelligent people, the French, would not fail to perceive how little, after all, Parliament had done in passing this measure. The French people would have a right to say, "How little you have done to accomplish our object; this law is a mere pretence which does not touch the question. Ledru Rollin and Mazzini are still walking the streets of London, and Italian and other refugees are professing their destructive doctrines as openly as ever." It might perhaps enable the Emperor of the French to say that he extorted this Bill from the British House of Commons, but he ought not to wish for any advantage of that kind, as he (Mr. M. Milnes) did not think that it was his wish or interest to see this country lowered. For these reasons he should vote against the introduction of the Bill, and he believed they would only strengthen the real principles of Her Majesty's Government, and of his noble Friend at the head of it, if they rejected it. He did not believe that his noble Friend, whose name was identified with the assertion of the rights of all suffering men who came to England as an asylum, would in his heart regret the rejection of the Bill. It had been said by a very clever man, "that assassins did not kill kings, but that they sometimes made them do very unwise things;" and if the Emperor of the French

allowed this unhappy event to have the effect of weakening the French and English alliance, he believed he would be doing an unwise thing for his own interests and the interests of the world. The great crime which had been recently attempted had no doubt, in a certain degree, endeared the Emperor to the sympathies of the French people. His courage and that of the Empress, and the acts of generosity, mercy, and benevolence which they now had the opportunity of displaying, would increase those feelings of attachment. There was only one great sorrow which was deeply felt by all persons who were interested in the political future of Italy. The inhabitants of that country continued to entertain the same moral obliquity which had made assassination stand out so prominently in the brightest pages of their history—which had supplied a vindication of tyranny in that country which nothing else would have given, and which had alienated from them many of their best and dearest friends. And of this unhappy passion there was no more appalling instance than that alluded to in the course of this debate—how the Italian nature of the great exile had so burst forth in the weakness of his latter days that he had himself bequeathed a reward to the would-be assassin of the Duke of Wellington.

Mr. NAPIER said, he was anxious to state very shortly the grounds on which he felt it his duty to give his support to the introduction of the Bill brought in by the noble Lord at the head of the Government. He believed this to be a wise and judicious amendment of the existing law, and he believed the occasion to be a suitable one for carrying that amendment into effect. Let the House just consider how the matter stood as between England and Ireland. By the present law of Ireland the offence of conspiring to commit murder was punishable by death. The Legislature, by continuing that punishment, affirmed that it was only an adequate one; whilst it declared that for the same crime, when committed in England, an adequate punishment was two years' imprisonment. He would take the case of the Ribbon Societies. Now, he had been, on several occasions, concerned as counsel in cases connected with these societies, and he remembered one case in which it was proved that in eighteen towns in England there were affiliated branches of these societies. Now, suppose there was an indictment for conspiracy to murder, and that some of the conspirators conspired in England and others in Ireland, was it rational that the former should only be found guilty of a misdemeanour, and punished with two years' imprisonment, while the latter were convicted of a capital offence, and punished with death. There had within his own experience occurred a remarkable case in Ireland in which two persons were indicted for a conspiracy to murder. The prisoners pleaded separately, and severed in their challenge. One was tried first, convicted, and sentence of death was passed upon him. The other prisoner remained still untried, and the question was raised whether the conviction of the single prisoner could be upheld, it being argued that the other prisoner might thereafter be acquitted by another jury. The Judges held that the conviction was legal. The great difficulty was whether the sentence could then in justice be carried into effect, or whether, by allowing execution to stand over, the power and value of the law would not be weakened. In this case the sentence was commuted, and, indeed, that was generally the case in convictions for conspiracy to murder in Ireland. He (Mr. Napier) was happy to say that from the improved moral feeling of society, a prosecutor could not carry the feeling of a jury with him in a capital prosecution against a prisoner in a case where life had not been taken. Conspiracy to murder was made capital in Ireland in the bloody times, and the punishment of death might have been a proper one; but in consequence of the feeling he had mentioned it was impossible to carry out the law in its letter at the present day, and, therefore, in his opinion, the punishment was not a proper one now, and it was a wise amendment of the law to reduce the penalty of the law in Ireland to transportation. If, however, transportation were a fitting punishment for conspiracies to murder in Ireland, surely it could not for a moment be maintained that two years' imprisonment was a fitting punishment for the same offence in England. The crime had been treated differently in Ireland, because peculiar circumstances had arisen to call for the special interference of the Legislature. The crime of conspiracy to murder had become frequent in Ireland, and therefore the offence was made capital in that country, while it remained a mere misdemeanour in England. If, however, special circumstances had arisen in England—if the presence of certain refugees made the crime more frequent in this country than it had been — why

should not the law be altered to meet it? Why should not a similar law be enacted here to that which had been put in force in Ireland to meet a similar state of things? He had the greatest sympathy with refugees, the victims of despotism, who came to this country to escape from the grasp of the despot, but with conspirators and assassins he had no sympathy. He should like to hear from the hon. and learned Member for Sheffield (Mr. Roebuck), who intends next week to propose that the Channel should be blotted out, and the two countries made in every respect one, some good reason why he should now oppose a Bill which had for its object the assimilation of the laws of the two countries. That House was called upon to legislate upon a great principle of moral guilt, and in his belief it was wise legislation to reduce the penalty for conspiring to murder in Ireland and to raise the penalty for the same offence in England to a proper level. The House was not called upon to define a new crime but to provide a fitting punishment for an offence already known to the law. He quite agreed with the opinion which had been stated to have been expressed by the Lord Chief Justice, that conspiring in England to take away the life of the Emperor of the French was in law a misdemeanour. Indeed he had previously entertained no doubt upon the subject, and was somewhat surprised to hear that some lawyers of eminence disputed that position; but that was not the point which the House had to decide. What the House had to decide was whether the offence of conspiracy to murder should be punishable by death in Ireland and only by two years' imprisonment in England. Should the House in the face of Europe so decide, could they expect to be praised for the wisdom of their legislation? It had been objected that this was not the occasion for an alteration in the law. In his opinion this, so far from being an occasion on which the people of England should hold back, was one on which they should show themselves capable—as he was sure they always would be—of reposing on their own dignity, and sense of right, undeterred by any fear of their motives being misconstrued. Was he to understand that, at a time when so much had been done to increase intercourse between neighbouring States, Englishmen were to be deterred from doing that which they believed to be right and just from a paltry feeling of self-sufficiency, and that, because France asked them to make the law adequate in this, a case in which it was deeply interested, they were to say, in the face of the world, "We shall not do this, though it is just and equitable, because France asks us?" Who could blame the French people for their attachment to the Emperor under such trying circumstances? and yet, because of that attachment, were the English people to say, "Because this measure would give protection to the Emperor of the French, and because the people of France ask it, we will not give it. Justice requires it, and France asks it, but because she asks it, we will not give it?" It had been said, "How will England stand before the smaller states of Europe if this law be passed?" In reply, he would say that England would always stand in a right position when she had the moral courage to do what was right. Her motto must be, "Be just, and fear not." She ought to disregard the petty feeling, which could only affect weak minds, that she would degrade herself before Europe by assenting to the wishes of France in this matter, and doing that which she had too long neglected; for, after all, they had greatly neglected this question of the amendment of the law, and now that their attention was called to it, the duty should not be disregarded on the miserable plea that it would be a concession to a foreign Power. He had said that France was deeply interested in this matter; but was not England concerned in it as well as France? Who could tell what might have been the consequence to all Europe—what quantity of blood might not have been spilt—if the lives of the Emperor and his Consort had been taken on the occasion of the recent attempt? If a conviction were had in England for a conspiracy to assassinate a sovereign with whom we had for some years been endeavouring to cultivate an alliance, and with whom they had the most friendly alliance, could they tell the states of Europe that two years' imprisonment was an adequate punishment for such an offence? The hon. and learned Member for Midhurst (Mr. Warren) had, with an air of triumph, pointed to the 5 and 6 *Vict.*, cap. 51, and asked, "When the Queen's life was threatened, what did the Legislature do?" Well, he (Mr. Napier) asked, what did it do? The hon. and learned Member said, "Do not libel the common law of England;" but, if his observations held good, any Act passed by Parliament was a libel on the common law of England; and, in

the statute passed in reference to attempts on the life of the Queen, it also libelled the law of England; for it made what would, in ordinary cases, be punishable by a short imprisonment be, in cases where it was committed against the person of Her Majesty, punishable by seven years' transportation; and it provided for naughty boys, some of whom might come before the hon. and learned Member at Hull, another punishment in the shape of a whipping. Would Parliament, then, say that the offence of firing blank cartridges against the Queen's carriage ought to be punished by seven years' transportation, while conspiring to assassinate her ally, the Emperor of the French, ought to be visited by only two years' imprisonment? England would never refuse an asylum to refugees; but, if they came here, they must obey our laws; they must come on an equality with all Her Majesty's subjects; if they got the protection of the British constitution, they should conform to its rules. If they came here to hatch conspiracies against the Governments of the countries which they had left, then it was only consistent with the dictates of humanity, the dignity of England, and with her Christian character, that they should be dealt with as offenders, and punished with due severity. Moderation was the privilege of conscious strength. Let England rely on her constitution, and the soundness of its principles, and not hesitate to make amendments in her laws when those amendments were shown to be required. The amendment now proposed was one which he himself would have made in 1856; for in that year he made a note to that effect in a copy of a Bill sent for his consideration. Under these circumstances he should give his cordial, his unhesitating, and his hearty support to the proposal then before the House.

LORD JOHN RUSSELL: Sir, one of the disadvantages of the present discussion is, that while, on the one hand, the arguments in favour of the Bill bring prominently forward the attempt that has been made on the life of the Emperor of the French, the proposal of the Bill, on the other, naturally leads to a discussion of the conduct of the ruler of France, and induces observations which at this time it would be better to avoid, but which it is impossible altogether to avoid if we are fairly to discuss the measure. I consider it, therefore, as part of the responsibility of Her Majesty's Government that, at a time when we should all join in the sentiments of horror and indignation, that have been caused by the atrocious attempt made on the life of the Emperor of the French and those who accompanied him, they should have brought in for discussion in this House a measure which calls forth adverse opinions and the expression of sentiments which cannot but be distasteful to a great part of the French nation. I consider it another of the disadvantages of this discussion that hon. Members who speak on behalf of the Bill—both those who have spoken on this side, and the hon. and learned Member who has just sat down on the other—confound together two subjects which might be distinct, and which ought to be distinct, but which, by the proposal before the House, are inevitably connected. One of these questions is that of the improvement of the law. The hon. and learned Gentleman (Mr. Napier) says that the law with regard to conspiracy to murder requires improvement, and that he is in favour of what he considers to be an improvement of it, and then he turns round and says, "Will you refuse that which is wise and just, because it is asked for by the Government of France?" But the hon. and learned Gentleman, like other hon. Members who have spoken, in saying this begs the whole question. He assumes that this is an improvement in the law, and then he asks if we will be so obstinate, so unreasonable, so unjust as to refuse an obvious improvement in the criminal law because it will be agreeable to the Government of France. Now, I conceive that is not the question before the House, and that to argue in this way is to confound two separate questions. I shall endeavour, therefore, to discuss these two questions apart. But let me observe, in the first place, that I wish in this discussion to observe that respect which is due to the ruler of France. He has deserved well of England as an ally. He has deserved well of Europe as a Sovereign who has consulted the interests of Europe and the balance of power, both in war and in treaties. Of the Government of France this is not the place to speak, nor am I, a Member of this House, the person to speak of it. For my part, when I find that the French people are contented with their own Government, and that that Government gives a promise of stability, I am willing to respect their choice. It is for the French people to consider on what conditions they will be ruled, and what internal form their Government shall assume.

These, Sir, are my views with respect, then, to the Emperor of the French, and therefore I trust that I shall not, by anything which I may say upon this Bill, depart from the respect that is due to him as a Sovereign. Nor would I be unwilling to support this or any measure that could be proved likely to give safety to his life from the hands of conspirators. On the contrary, I should be willing to give my assent to such a measure; but with regard to this improvement in the law, which the hon. and learned Gentleman tells us is so urgent on the ground of its own merits, I own I am very sceptical on that point. In the first place, if this be an improvement of the criminal law which is so urgently needed, how happens it that Her Majesty's Government have, neither at the end of the last Session nor at the commencement of the present, given notice of it among their other proposed amendments of that law? They have been very careful to introduce Bills consolidating the laws relating to crimes against the person; their watchful circumspection has even extended to the revision of our legislation for the protection of deer and rabbits; but with regard to the very important question, how to preserve human life against conspiracy, they were wholly silent, and, until they had received the despatch of Count Walewski, they made no sign of any intention to amend that part of the law. But, in the next place, Sir, I have very great doubts as to the nature of the Amendment now proposed. We have heard to-night that conspiracy to murder is a very grave offence, aiming at human life; that two years' imprisonment is not a sufficient punishment for such a crime; and that such offenders ought to be subjected to a more aggravated penalty. Now, there are two questions to be considered in framing a criminal law, and philosophers and legislators have looked to the latter rather than the former of those questions. The one is, of what punishment is the criminal deserving?—and the other, how is the crime to be prevented? These are two widely different questions. I am not sure that persons who conspire to commit murder might not, as under the law of Ireland, be subjected, according to the principle of abstract justice, even to the punishment of death; but it is a different matter when you come to consider in what manner you will be most likely to prevent these crimes. For several centuries past, the offence of conspiring to murder has been treated as only a misdemeanour in this country; and no one but the exalted person who occupies the throne has had any greater guarantee than the law which it is now proposed to alter. No subject of Her Majesty, that I am aware of, has complained that his or her life was insecure under it. It has been found sufficient to protect the subjects of the Queen. Lord Hawkesbury would have held that a law, which has been found sufficient for all the subjects of Great Britain, should not be altered at the wish of a foreign Power. I am not asserting that doctrine at present; I am only saying, with regard to a general change in the law, that as a law reformer I am to look to the efficacy of our legislation, and I find that for these purposes, at least, our existing law has proved efficacious. The hon. and learned Gentleman who spoke last tells us truly that in Ireland the law is different, and that there the punishment of death is affixed to the crime of conspiracy to murder. Will he go on to tell us that life has been equally safe against conspiracy in Ireland as it has been in England? Will he say that there has been greater security to life in the sister country in consequence of the greater severity of its laws, compared with the operation of our own common law? Well, if that is not the case, let us look a little to the principle of the proposed change, and view its connection with the nature of this particular crime; because conspiracy to murder, a very heinous crime if substantiated, and very detestable in the person of its perpetrator, is one exceedingly difficult to prove, and it is often only by very vague evidence that it can be brought home to any individual. When such a grave charge has to be tried by a jury, it is probable you will find that the witnesses are accomplices, or perhaps spies, who have been set to watch the alleged conspirators. Such evidence is much distrusted by a jury, and the advocate who is intrusted with the defence of the person accused lays great stress upon the nature of the testimony adduced. If letters are produced or conversation repeated, he attaches a different sense to the words said to have been used; he seeks to point out that they do not bear the constructions which may have been put upon them. In such a case a point of some importance for the consideration of the jury is—what is the punishment affixed to the offence? And it might very well happen that a jury, who would think the evidence sufficient to con-

vict a person of misdemeanour, might hesitate to convict him if they knew that transportation for life would be the consequence of their verdict. It does not therefore follow, because you say this is a horrible crime, which ought to be prevented, that you will succeed in preventing it by attaching a higher punishment to it than you have heretofore done. Indeed, Sir, it seems to me that the spirit of the proposed enactment is contrary to the whole course of that enlightened legislation which Sir Samuel Romilly was the first to urge upon this House, and which Sir Robert Peel and others have carried on down to the present day. We all know that in the time of George I. and George II. if any crime became prevalent it was a common thing for some hon. Member of this House to get up and say, "This crime is increasing; we propose to meet it with a capital penalty," and nobody ever thought of objecting to such a proposal. Mr. Burke says he was once kept here to make a House in order that a Bill of this kind might be passed without anybody knowing so much as the name of the offence against which it was directed. In short, our legislation in those days was founded on the principle that if you have a severe punishment you will be sure to deter the criminal. We have since acted upon an opposite and, I believe, truer doctrine—namely, that a lighter punishment will often operate more powerfully than a severe one in preventing crime, because of the greater certainty of its infliction. Therefore, regarding this as a mere question of law reform, I confess that the proposed change appears to me, to say the least of it, a very doubtful one. But look to the nature of the crime you wish to punish, and to the persons by whom it is likely to be committed. These conspiracies are no doubt in certain cases the acts of persons base enough to receive hire for the murder of their fellow-creatures; but they are more apt to be the consequence of extreme fanaticism, religious or political. From the time of the murder of Henry III. of France—a murder which was extolled in the highest terms by the Jesuit Mariana—down to the time of the attempt upon the life of Louis XV. by Damiens, these conspiracies bore the character of religious fanaticism. Some of the best men in France—for example, Henry IV.—fell a victim to that fanatical spirit. Of late years, and perhaps since the commencement of the French Revolution, political, and not religious fanaticism has been the main spring of these crimes. The men who meet together, perhaps three or four in number, and declaim against what they call a tyranny, inflaming one another till at length they conceive the perpetration of these horrible crimes, are men whose fanaticism is generally so rooted, and whose confidence in each other is apt to be so well founded, that you are not likely to defeat their conspiracies by the punishments by which you might hope to check the commission of other offences. Conceive one of these men animated, by a wild spirit of fanaticism, to do such a deed, which his heated imagination represents as actually a praiseworthy action — why, he will be ready to lay down his life in order to consummate his crime. The men who have lately committed these acts, as well as those who committed them in former days, were ready every one of them to expose their lives. I am not speaking of the instigators of such deeds, but of the men who attempt them by their own hands; and I say they feel certain that whether they succeed or whether they fail in their design, they are sure to perish by the hand of the executioner. Do you suppose, then, that a man of that kind will be deterred by your substituting for two years' imprisonment a sentence of penal servitude for life? I think it argues great ignorance of human nature to imagine that a law like this will prevent crimes such as I have described. If the House will permit me I will give two instances of crimes of this character, one of which was committed, the other intended, in Italy, in order to illustrate the spirit by which these misguided men are actuated. As I have been told, the night before the assassination of Rossi, the Minister of Rome, some young men met in their club, and, inflamed with wine and with oratory, they declaimed with the greatest vehemence against Rossi for what they considered his tyranny and despotism. One member of the party, the instigator of all this violence, at last said, "You all speak in very brave language, but not one of you would act or be prepared to take the life of the tyrant whom you denounce." One or two of the rest replied at once, "We are ready to do it." This artful instigator then took these men aside and said to them, that after having told their companions that they were ready to take the life of Rossi, it would be the basest cowardice if they were to shrink from the fulfilment of their promise. The arrangement was soon made, and the next day, as

Count Rossi was going to open the Representative Assembly, several of these young men surrounded him, and he was stabbed to the heart. Now, that was the effect of the violent fanaticism of these young and inflamed men. Would any one have had the least influence with them if in the midst of their deliberations he had said, "Recollect, you are conspirators, you are conspiring to murder, and if you commit the crime you may be condemned to penal servitude for life?" Such an intimation would not have had any effect whatever. I will relate another instance, which became known last year:—Mazzini, who is one of the persons who, they say, preach assassination, stated that a person holding a high station in the Piedmontese army came to him when a young man and proposed to assassinate Charles Albert, the King of Sardinia. Mazzini told him that he was hardly worthy to commit such an action; but he gave him instructions, sent him to Turin, and lent him his own dagger with which to commit the crime. Now, this was a man who was decorated with one of the Orders of the King, and held a high position in the Chamber of Deputies of Piedmont. Was either he or Mazzini the sort of man likely to be deterred by pains and penalties of the kind proposed by this Bill? It is quite obvious that you do not reach such men by the punishment which you propose. What you really want is, not the punishment of the crime, but its detection. If the men who lately made this horrible attempt in Paris could have been detected—if they could have been brought before an English court of justice, and if it could have been proved that they were conspiring, it would not have mattered whether the punishment had been two years or twenty years' confinement—their purpose would have been defeated. When they were once detected the French Government and the French police would have known what was their purpose, and being detected, the plan would at once have been at an end. This, then, is what you want; not punishment, but detection. Your Bill serves no purpose of detection, and therefore it does not serve any purpose which you wish to accomplish. I believe, therefore, that so far as an amendment of the law is concerned, the Bill entirely fails. We then come to the next point—namely, that it is an amendment of the law which is asked for by the Government of France. In considering that question, I am afraid that we must take a more general survey of our situation than the Ministers who have brought in this Bill seem to have thought necessary. It appears to have been their opinion that if you could make some amendment of the law with regard to conspiracy to murder—if you could harmonize English and Irish legislation—if you could make the punishment more severe, that would satisfy the French Government, and at the same time amend the law, and thus all parties would be satisfied. Now, I am afraid that this calculation is entirely erroneous. What the French Government wants, is to put an end to these assemblages of fanatical politicians in London, and that can only be done by sending them out of the country before any crime can be proved. That, in fact, is the real question. An hon. Friend of mine has lately quoted the despatch of Count Walewski, but I will take the liberty of reading the passage again, in order that the House may see what it really is that the French Government desires. Count Walewski says—

"It is no longer the hostility of misguided individuals manifesting itself by all the excesses of the press and all the violences of language; it is no longer even the work of the factious seeking to rouse opinion and to provoke disorder; it is assassination elevated to a doctrine, preached openly, practised in repeated attempts, the most recent of which has just struck Europe with amazement. Ought, then, the right of asylum to protect such a state of things? Is hospitality due to assassins? Ought the English legislation to contribute to favour their designs and their plans, and can it continue to shelter persons who place themselves, by their flagrant acts, beyond the pale of common right, and under the ban of humanity?"

The Ambassador of France, taking certainly a very unusual course—but a course with which I will not at present find fault, because he is a gentleman of great frankness and great honesty, very much attached to his master, and, I believe, very friendly to his country, and because I believe his object was to produce concord between the two nations—said, in answer to the address of the Lord Mayor and Corporation of the city of London—

"Permit me, then, to tell you what is the true question; it does not lie in the attempts at assassination in themselves, nor even in the crime of the 14th of January, which your Government would have hastened to warn us against if it could have known it beforehand; the whole question is in the moral situation of France, which has become anxiously doubtful of the real sentiments of England. Reasoning in effect by analogy, popular opinion declares that were there in France men sufficiently infamous to recommend in their clubs, in their papers, in their writings of every kind,

the assassination of a foreign Sovereign, and actually to prepare its execution, a French Administration would not wait to receive the demands of a foreign Government, nor to see the enterprise set on foot. To act against such conspiracies, to anticipate such crimes, public notoriety would be sufficient to set our laws in motion, and measures of security would be taken immediately."

Therefore, my right hon. Friend the Secretary of State for the Home Department will see that it is not this Bill for which the French Government wishes. What they want is security against the whole body of refugees who have sought an asylum in this country. In 1851 my right hon. Friend said that the law was sufficient, and he repeats the same thing now; and I shall find great consolation if I can think that he does not intend to depart from that declaration. But when both Count Walewsky and M. Persigny say that assassination is openly preached, I ask, if that is so, why have not the Government prosecuted that offence? "Openly published in their writings and preached in their clubs," says the Ambassador. Well, if the Government have any information of proceedings of this kind the ordinary laws are sufficient for their punishment. That is no matter of doubt like the question with respect to the law of conspiracy, which we are told by the hon. and learned Member for Plymouth (Mr. Collier) is now dividing and amusing the lawyers. It is a question which was settled more than half a century ago. Allusions have been made to the correspondence of Lord Hawkesbury, and I, like my right hon. and learned Friend, have lately had to go over the whole of that part of it which concerns our internal government and our treatment of refugees. I find there that the Government of that day and Lord Hawkesbury treated the question, as I think, with perfect fairness and perfect justice, and, at the same time, with that regard to foreign Governments to which they are entitled. Let me remind the House that Lord Hawkesbury held the seals of the Foreign Office for many years, and was stated by Mr. Pitt to have been next to Mr. Fox, whose brilliant talents made him an exception, as fit a man as any in the country to hold the seals of that department. He was a man who, afterwards as Prime Minister, was eminent for the calmness and temper of his mode of viewing public questions; and, although with regard to many of those questions we thought he retained ancient prejudices, he was a man deserving of the respect of the whole country. Now, what did Lord Hawkesbury do with respect to the refugees? He refused the demands of the First Consul of France. But with respect to aliens who insulted the Government of that country he ordered a prosecution. When Peltier was prosecuted he was prosecuted on the grounds—first, that he had advised the assassination of the First Magistrate of the French Republic; and, secondly, that he had reviled the Government of a friendly nation. On both these grounds the Attorney General of that day (Mr. Perceval), and Lord Ellenborough (the then Chief Justice), declared that the English law was sufficient, and that if the jury thought that, in point of fact, Peltier had recommended the assassination, or had reviled the French Government as the Government of a friendly nation, he ought to be found guilty. Be it remembered that the First Consul, at that moment, was not, as the hon. and learned Member for Plymouth (Mr. Collier) says, an enemy. He was at that time at the head of a friendly Power, and it was, as the chief of a friendly Power, that this attack upon him was discountenanced. The war broke out before Peltier, who had been convicted, was brought up for judgment, and the discussion ceased; the whole question of the refugees was at an end. If the peace had continued, Peltier would have been duly punished; but this correspondence having taken place in August, the question with regard to Switzerland, in consequence of which war broke out, arose in October, and it was not until February that Peltier was brought up for judgment. There was one circumstance in that trial upon which I cannot avoid remarking. Sir James Mackintosh, in the celebrated and beautiful speech which he delivered upon that occasion, very naturally, but certainly with great art, represented his client as a poor afflicted man, who had to contend with the chief of the most powerful military nation in Europe. Mr. Perceval protested against this, saying that it was the King of England who was the complainant, and that it was due to the law of England that the Attorney General should conduct the prosecution. As regards the question raised by Count Walewski and Count de Persigny, there can be no doubt with respect to the law of England. It was stated by Lord Hawkesbury, enforced by Lord Ellenborough, and consented to by all the great men of those days—Mr. Fox, Mr. Pitt,

Lord Grenville, and others who were divided into different parties, but who agreed in thinking that the language and conduct of the British Government were such as became the country—and such as all could unite in admiring. With respect, then, to this complaint, so far from our wanting a new law, there is a law fully sufficient. The law of 1803 was the foundation of the declaration of the right hon. Gentleman who was Secretary of State in 1851, and is the Home Secretary at the present time. That declaration has been read during the course of this debate by the hon. and learned Gentleman opposite (Mr. Warren), and it always has appeared to me, as I believed at the time, after it had been fully considered by the Cabinet of the day, a declaration worthy of an English Minister. That declaration, after the lapse of half a century since the trial of Peltier, sets forth that this country shall be a safe asylum for foreigners of all descriptions, but that if they commit any offence against our laws, if they incite the assassination of a foreign Sovereign or the chief magistrate of a foreign State, or if they impair by their conduct and hostility the friendly relations of the two countries, then they are liable to punishment according to the well-known and established laws of England. It is a matter of astonishment to me that Count Walewski should have written this despatch, and that no answer should have been made to him. The answer seems to be quite obvious. I should have thought that anybody who valued the reputation of the British name, and who had any feeling for the honour of the country, would have said, "We are not a nation that protects assassins; the crime of assassination is abhorrent to all our feelings; we cannot condemn it sufficiently; show us the men who preach assassination, and we will bring the question before the courts of law without the loss of an hour; we will prove to you that the laws of this country are sufficient to punish such crimes; if you can make out that there are any clubs in which the assassination of any foreign Sovereign is openly announced, those clubs likewise shall be prosecuted, and as Peltier was convicted in the days of the uncle of the present Emperor of the French, so every known conspirator shall be convicted now." Such seems to me to be the plain language that ought to have been used. My noble Friend at the head of the Government says, much to my surprise, that an unfounded notion has been prevalent on the Continent that this country protects assassins, and is in favour of assassination; and therefore he brings in this Bill. That does appear to me the oddest consequence which could possibly be imagined. How much better would it have been to put the ordinary law in force. The Government ought to have asked for the names of the conspirators referred to by Count Walewski, and if, as was likely to be the case, no person could be found who could be convicted by the due course of law, then was the time to say, "We punish conspiracy, but that conspiracy must be proved by witnesses openly heard, their evidence must be weighed and sifted by a Judge sitting on the bench, and a verdict must be returned by a jury according to that evidence." If that answer had been given, I think strong ground would have been taken; whereas, look at the position now! It is a position for the future which I confess fills me with considerable alarm. You do not propose to do what the French Government wish you to do, and what unhappily is enforced by the threats of the military bodies whose addresses have been so inadvertently inserted in the *Moniteur*. But you say you will change your law and thus make a declaration of sympathy with the French Government. Look at the consequences. If you had attempted to alter the laws with regard to aliens, or to give a power to the Government of the day to send away refugees upon the representation of a foreign Minister, you would have roused the anger of the people of England, and you could not have carried your Bill. If, on the other hand, you had given a refusal, and said your laws were sufficient in their present state, you would, no doubt, have disappointed the wishes of the French Government, but you would have acted in conformity with the declaration of Lord Hawkesbury, and the ancient usages of England. As it is, your Bill seems to be an exceedingly skilful, an exceedingly cunning artifice, if I may use the expression, by which neither the people of England nor the Emperor of the French will be offended. But let us wait a little and see what the consequences will be. You will not find, as I believe and have endeavoured to prove, after this Bill has passed inflicting a heavier punishment on conspirators than now exists, the state of things much altered. If there are fanatical men still plotting assassination, they will plot secretly as much as ever; they will not be deterred by the vain ter-

rors of this law. What will happen then? The French Government would say, "We have no doubt in the sincerity of the English Government; we have no doubt of their wish to act loyally in this matter; but their expectations have been deceived; that den of assassins which was to be cleared remains as it was; the same conspiracies exist; you that have agreed to the object must agree to the means. Your means have been found wholly insufficient; you must see yourselves that the object is not gained; you must look to other means." What could those other means be? They could only be means violating that sacred right of asylum which the Government say they will preserve. No doubt they desire to preserve it; the country will not consent to a change of its laws in that respect; but then you will give a far greater grievance to the French Government than they have at present. They will say, "We have been deluded; this Bill that you told us was to satisfy us has been a complete mockery; we have no more security than we had before, and we now insist upon some change that shall be efficient for its purpose." I think it but short-sighted wisdom to put off the day when such language can be held out to us. Surely it would be better to say at once, "This is no light matter, the changing a misdemeanour into a felony, a punishment of one kind into another still more severe; we must tell you the plain truth; that asylum which you call a den of assassins must remain sacred. We do not mean to change our laws, but if any case can be pointed out to us in which these laws have been violated, we shall act as we have done for the last fifty years; we shall act according to the practice which has existed in England ever since she has been a nation; we shall admit aliens to our shores, but shall take care that no offence shall be committed against the head of a foreign State without its being brought into our courts of justice." In that way your position would have been strong. The position of the Ministry at present, I am sorry to say, is not strong; I mean, of course, their position in argument and as regards France, whose demands are evaded rather than satisfied. Nor do I think they are strong as regards the people of this country, whose just expectations may be destined to be deceived. If Parliament should pass this Bill, and hereafter that demand should be made on the part of the French Government, the people of England would naturally say, "A demand was made upon you by the French Government; you told us that you had satisfied that demand; you told us that by an alteration of the law which you yourselves proposed all the relations of amity would be left undisturbed; and yet now we have the same complaint again, and even greater fears than there were before of the cessation of that confidence which the French Ambassador tells us very truly is the surest foundation of peace and friendship between two independent countries." But, Sir, there still remains a course for the House of Commons to take. It is free and open to this House—though I admit it is a course not without difficulty, but still it is a course which the House of Commons may take in order to free itself from all these embarrassments—to stand upon the established laws of England, to declare that we abhor the crime recently committed in France, and that, far from sympathizing with, we are indignant against the assassins; but that not for the friendship of the Emperor of France are we disposed either to give up the right of asylum or to change the ancient and established laws of England. I think the French Government would appreciate as it deserves the frankness, the sincerity, and, I may say, the friendship of that declaration. We should then spare ourselves the irritating results that will follow from the opposite course, and we should relieve the Government of France from any expectation that by threats in their official papers they could induce the Parliament of England to recede from its just position. I trust you will act in that manner. I have been, I confess, a good deal shocked by some of the declarations made in the course of this debate, by which it seemed that the favour of a foreign Power was of more value to England than the maintenance of her ancient prestige. I think those who act in that way and who give their votes for bringing in this Bill to-night will incur a vast responsibility both to the present age and to posterity. It is the first breaking in upon that system which was declared by the Government of 1803, and which has been kept intact until the month of February, 1858. Who can say what the next step may be? It is easy to ask for a mild measure at first to satisfy a foreign Power. At the same time even any demand of this kind naturally rouses the jealousy and susceptibility of the British people. The only case which I can remember of a Bill brought forward

at the request of a foreign Power was the Foreign Enlistment Act, brought in by Mr. Canning; and Mr. Canning, in so doing, took the utmost pains to declare to the House of Commons that Spain was a monarchy so weak that she was quite unable to contend with this country in arms. He pointed to the weakness of her resources and the inability of her military means, and he then asked whether we could be so ungenerous as to take advantage of the weakness of that Power, and not give her that protection against the invasion of foreigners which she might fairly demand. That appeal was able and was successful. No appeal can now be made on that ground. The threat, I repeat, has been somewhat too barely exposed—somewhat too louldly uttered; so much so that I confess that if I were to vote for the introduction of this Bill I should feel shame and humiliation in giving that vote. Let those who will support the Bill of the Government; in that shame and humiliation I am determined not to share.

THE SOLICITOR GENERAL said, that notwithstanding the wide field over which the noble Lord had passed, he could not help thinking that, when the House came to pronounce its opinion on the question before it, it would confine its attention to a point which was perfectly intelligible, and from which the noble Lord had somewhat digressed. The noble Lord said, that the present state of the law in this country was not only satisfactory in itself, but fully equal to meet any of those emergencies which had been suggested in the present debate. If that were so, then undoubtedly the Government could not ask Parliament to revise the law, or to make the change sought to be effected by the present Bill; but he maintained, with great deference to the noble Lord, that it had already been shown with great distinctness that the present state of the law on the subject was wholly unsatisfactory and insufficient. He ventured to say that a law more anomalous in its operation, and more insufficient to attain the object which all good men wished to be attained, was not to be found in any other branch of the criminal law. The necessity for the change of the law was rendered obvious by the change of circumstances. The easy communication with the Continent introduced into this country a number of persons seeking refuge here, and since as much protection was given them as to Englishmen themselves, it was not unreasonable they should have it on the same conditions as Englishmen received it. If Englishmen conspired in England to murder even a foreigner abroad, and some of them committed the murder, those who remained here might be indicted for the offence of murder; but, if foreigners conspired here for the same purpose against a foreigner abroad, they could only be indicted for a misdemeanour at common law, whether the murder were committed or not; and he put it to the House whether a conspiracy to commit a murder, although not followed by the commission of the act, was adequately punished when treated as a misdemeanour? The noble Lord said that the crime would not be prevented by the increase of punishment; but was not that House bound to make the attempt? If the House could not increase the means of detection, it might at least increase the risk, and that the Bill proposed to do. The cases put by the noble Lord did not touch the question before the House so far as the policy of altering the law was concerned. The noble Lord had said that, when persons were influenced by strong political or religious feelings they became enthusiasts, and such a measure as this would not deter them from the commission of crime, and he instanced the murder of Count Rossi at Rome, by persons of the class to which he referred. This Bill, however, was not intended to apply to men who risked their lives in the commission of murder; it would apply to those conspirators who remained in comparative security whilst others attempted or perpetrated the crime. In the cases to which the noble Lord referred, the penalty of capital punishment was incurred, and if the argument of the noble Lord were pushed to its full extent, he must be prepared to assert that the diminution of punishment would, in such cases, produce a beneficial result. That was a proposition which certainly could not be maintained. It was true, punishments might be so severe that their very severity would defeat the object with which they were enacted; but would any one contend that a law subjecting persons guilty of conspiracy to commit murder to a punishment awarded by the existing law to offences of less enormity, was so severe as to have that effect, or was not calculated to deter persons from the commission of the crime? The noble Lord and some other hon. Members had observed that, if this Bill was regarded as a measure of legal

reform, it ought to have been brought forward in connection with other measures of a similar description, which Her Majesty's Government had intimated their intention of introducing on Thursday next; and they said, "The adoption of a different course shows evidently that you are legislating under compulsion." The question for the consideration of the House, however, was, in his opinion, simply this—how far the measure now proposed would or would not effect an improvement in the existing law which they were determined to carry into effect, even although attention had been called to the subject by the application of the French Government. This Bill, he might state, however, could not properly have been placed along with the measures of legal reform of which the Government had given notice. Those measures had been prepared under the authority of the Statute Law Commission, which was appointed for the purpose of consolidating the statute law of the country, and it would manifestly have been most inconvenient and unsuitable to introduce such totally novel legislation as was contemplated by the present Bill among the measures sanctioned by the Commissioners. It was true that some Amendments were proposed in the Consolidated Bills, but they were such as were believed to have become necessary as resulting from consolidation, and not changes of a novel or important character. Indeed, the fact that the Government had not introduced the legislation proposed by this Bill amongst the Consolidated Statutes, was a proof that they were desirous that their proposal should be fully, freely, and openly discussed. If this Bill had been included among the Consolidated Statutes, its opponents would have said, "You are yielding to the suggestions of France, and, instead of bringing this subject fairly before the House of Commons, you slip your Bill among eight or nine other measures, as if it were a piece of ordinary legislation." The hon. and learned Member for Bridgewater (Mr. Kinglake) admitted that this Bill would effect an improvement in the existing law, but he refused to give it his support, because, if it were adopted at the present moment, it might seem as if the House assented to it under compulsion. He would however support it, if introduced into the Consolidated Statutes; so that if introduced on this evening, Tuesday, it would be by compulsion; if on Thursday, it would not. He (the Solicitor General) thought that to be a very trifling ground of distinction in a matter of so great importance. He had heard with great regret during this debate the disparaging remarks in which the hon. and learned Member for Sheffield (Mr. Roebuck), in his brilliant and able speech, had indulged with reference to the Emperor of the French. If those remarks had assisted in any way the arguments he used, he (the Solicitor General) would have considered the hon. and learned Gentleman excusable in some degree, but in no one way did they bear out or advance a single objection he had adduced against the measure. The hon. and learned Member for Sheffield had stated that this Bill would not effect the object it was intended to accomplish. If the object of the Government were regarded by the hon. and learned Gentleman as the entire prevention of all conspiracies among foreigners, he (the Solicitor General) must say he feared it would be very difficult to frame or conceive any measure which would have such an effect; but that was no reason why Parliament should not endeavour, by increasing the punishment due to the offence, to discourage such conspiracies, without violating any constitutional principle, or diminishing the protection which this country had hitherto afforded to refugees. The hon. Member for Oldham (Mr. W. J. Fox) seemed to think that the adoption of this Bill would interfere with the comforts of aliens resident in this country, would cast gloom over their social circles, and would excite among them feelings of alarm and insecurity. He (the Solicitor General) certainly could not conceive that refugees who accepted the protection of the English Government upon the same condition on which it was enjoyed by Englishmen themselves—namely, that of obedience to the laws—should experience any alarm or should suffer any diminution of their comfort in consequence of the passing of a Bill which merely increased the punishment for a particular offence. The real question was whether fine and imprisonment were a sufficient punishment for a conspiracy to commit murder, and whether any further legislation was therefore unnecessary. Could such a proposition be for a moment upheld? He believed the offence was a capital felony, and as pointed out by the right hon. and learned Gentleman the Member for the University of Dublin, the present law presented the monstrous ano-

maly that parties concerned in the same conspiracies, some residing in England, some in Ireland, are liable to different punishment for the same offence. In his opinion, the only tangible objection made by the opponents of the Bill was that, even if it were an improvement in our law, we ought not to pass it, because our attention had been called to the subject by circumstances which had recently occurred in France. He trusted, however, that this question would be made subordinate to the more vital one—was the proposed legislation right or was it wrong? If it were right, he hoped that the House would not hesitate to pass this measure from a feeling which to his mind was more contemptible than the fear of France, and that was the fear of being thought afraid of France. He trusted that the merits of the Bill would alone be considered, and that the House would not be led away by those topics which out of doors might receive more attention than they ought to command here. Would this Bill effect an improvement in the law? If so, was there any valid reason why it should not be adopted? In his opinion, no such reason could be shown, and he trusted, therefore, that the House would consent to the introduction of the measure, and proceed to consider its provisions.

MR. DISRAELI: Sir, the principle of the projected Bill of the noble Lord I apprehend to be this—it is to change the crime of combining or conspiring to murder from a misdemeanour into a felony. There has been a considerable amount of controversy upon that point to-night. So far, indeed, as the debate has yet proceeded it may still be deemed a moot point. Nor does it appear to me to be at all necessary, according to the usual course of our business, that that point should be decided at this stage of the proposition before us. The second reading of this Bill—if it ever come to a second reading—will be the legitimate occasion upon which the House will enter fully into that important point, and no doubt it is one eminently entitled to the grave and dispassionate consideration of this House; but at this moment there are some other observations which, with the permission of the House, and without offering any opinion upon the principle of the Bill, I would venture to make. I would remind the House that it is not unusual in the history of this country, and in the practice of Parliament, when some desperate crime has been committed, or when there has been an unusual repetition of some crime known to the law, that Parliament should take those circumstances into consideration, and upon the circumstances of the moment proceed to legislate. Why, throughout the debate of this night there have been frequent allusions to the difference of the law on this very subject in Ireland and in England. How came that difference to be established? It was owing to the peculiar circumstances of Ireland. It was the prevalence of conspiracies to murder in Ireland that led the attention of Parliament to the subject; and, without offering at this moment any opinion upon the expediency of the course which was adopted, still it is a fact that special circumstances of that country induced Parliament to legislate upon that subject. Well, Sir, there have been other cases which I am sure will be fresh in the memory of all who are present, in which legislation has been induced by special circumstances of this character. There is a case of great notoriety, which is part of the history of this country, and which intimately interests hon. Members of this House, for hon. Members of this House were concerned in it. There is a case where a foreigner stabbed and attempted to assassinate a Minister of State at the Council table. I allude to the case of Guiscard and Mr. Harley. Guiscard, a French agent, stabbed Mr. Harley, who at the time, as Chancellor of the Exchequer, was sitting at the Cockpit, at a meeting of the Privy Council. That was an attempt at assassination, which, though it failed, excited the greatest excitement in this country. Guiscard was a Frenchman. He was denounced as a Popish spy. The attempt was taken as evidence of a Popish plot, and great agitation prevailed in the public mind. What was the conduct of Parliament under these circumstances? Were they silent? Did they take no steps to express their opinion, or endeavour to prevent the repetition of such attempts by legislation? On the contrary, the House of Commons met and addressed the Throne. The Ministers introduced, and the House passed unanimously, a Bill which rendered the crime of attempting to assassinate a Privy Councillor a felony. As my hon. Friend (Sir L. Bulwer) reminds me, even the assaulting a Privy Councillor was made penal by that law; and the circumstance of the

assault on Mr. Harley by Guiscard was mentioned in the preamble of the Act. I recall this instance to the recollection of the House, because, under the peculiar circumstances in which this subject is introduced to us, we must not be hurried away to suppose that this is an instance without any precedent or parallel. What has happened in the present case? It is unnecessary for me to denounce that crime which the eloquence of so many hon. Members has vied in attempting to express their detestation of, or to declare the feelings of peculiar horror with which it has ever been viewed by the people of this country. But we must remember that the perpetration of a great crime is admitted to have been attempted in a neighbouring capital, the capital of an empire which is ruled by a Sovereign who is at this moment our intimate ally. Now, without giving any opinion respecting the principle of the measure which is at stake, and which I think had better be deferred to another opportunity, is it to be said that it is absolutely unreasonable that we should consider, where the person of one of our most powerful and faithful allies is concerned, that that is a matter of less interest to the country and to Parliament than when the person of a British Minister is in question? Sir, all the circumstances connected with this attack upon the Emperor of the French are circumstances which would, as a matter of course, arouse the sympathy and command the good feeling of the country and of Parliament. There is no question that during the last five years we have found in the ruler of France a tried ally; not a faithful ally merely of fine phrases and specious assurances, but one who has proved in the most trying fortunes that we could depend upon his constancy. On the first blush of the question, the fact that there has been an attempt to assassinate the Emperor of the French on a great scale, on a plan of considerable organization, that that plan has been formed and matured in our own country—[*Cries of* "No!"] Well, it is useless to split straws upon the subject, it is a matter of notoriety.—[*Cries of* "No!"] I admit to hon. Gentlemen that this does not at all affect any of the principles which are at stake in this discussion. Still, it is a matter of notoriety that the principal agents and some of the principal means were prepared in this country. Then, I say that these are circumstances which do not justify the violation of the right of asylum, but that they do justify this House in exhibiting considerable sympathy with the position of the Emperor of the French; and if nothing else had happened, if the only matter before us were this, that there had been this great and criminal attempt upon the life of the ruler of France, and that he had made an appeal to the people or the Government of England for their support in a difficult and dangerous position in which he found himself placed, I believe there would have been a universal expression of feeling that it would be most desirable, consistently with the maintenance of our rights and privileges, that we should meet such an expression of feeling on the part of the Emperor with the utmost respect and sympathy. But I frankly, fully, and freely, admit that much has happened since the attempted perpetration of that enormity, which has dashed the feelings and disturbed the generous and natural emotions of the people and Parliament of this country, and embroiled this question with considerations which could not have been anticipated, and which I should not be frank if I did not confess to be the most distressing and embarrassing. Sir, I am not here to defend or to palliate any of those circumstances which have been so severely but so justly animadverted upon in the course of the debate. I do not think that the despatch of Count Walewski, though it has found a defender in an hon. Friend of mine, is written with that tact, good temper, and good sense which generally characterize his lucubrations. I am bound to admit that I think that despatch is an unfortunate despatch. I go further than that. I do not deny for a moment that the observations of the French colonels are extremely impertinent; and I think that the introduction of these observations into the pages of the authentic and authoritative journal of the French empire was an act of signal indiscretion. But, after the despatch which has been read by the right hon. Gentleman the Secretary of State for the Home Department this evening, I am not inclined to dwell so much as I otherwise should have done on those errors. We all know in private life that, however excited our feelings may be, when a misunderstanding arises, and however warm may be our language, the moment a gentleman says that he regrets the offensive expressions he has used, all is imme-

diately forgotten; amity is restored; and if the apology is tendered with a good grace, and not in a churlish manner, the feeling that succeeds is very often one of greater amiability than that which preceded the misunderstanding. Now I must say that I think that expression of regret on the part of the Emperor of the French is frank, and full, and satisfactory; and I do not think that it becomes us, after we have been aware of it, to remember with too much severity those incidents to which I have referred. If I allude to them again, and if I should dwell on their unfortunate occurrence, it is merely that I may induce hon. Gentlemen, before they come to any decision upon this very important question, to remember that that which has taken place within the last few days or weeks in France, and which has excited so much ill-feeling in this country, and given rise, as I believe, to so much misapprehension, has not been confined to that country only. There are other nations, as great as England, and other powers as distinguished as those who sway these favoured isles, which have sometimes been subjected to annoyances equally flagrant, but which have exhibited great forbearance and great good feeling, and have not allowed occurrences of this description to interrupt the amicable character of their foreign relations. I cannot help recollecting that it was exactly five years ago—that it was in this very month of February, I believe by a singular coincidence on this very day of the month in the year 1853, that it became my duty to submit a Motion to the House of Commons, the object of which was to call the attention of the House to the state of the relations subsisting at the time between France and England, in consequence of expressions which had been used, and of conduct which had been pursued by great personages in this country,—expressions and conduct which, in my opinion, and in the general opinion of Europe, were calculated to destroy that good feeling which we had always considered it a cardinal point of policy to cherish and to maintain between England and France. I recur to those recollections, because I see the beneficial influence memory may exercise over hon. Gentlemen; and if some of those who now make indignant speeches would only condescend to remember what happened in 1853, under a Government, of which the noble Lord the Member for London, who feels that this country would be so much humiliated by the adoption of the present Bill, was the leading Member in this House, I believe that that recollection would be productive of the most salutary effect. Why, we had then statesmen of the greatest eminence in this country denouncing the Emperor of the French as a tyrant, a usurper and perjurer; we had a Cabinet Minister fresh from a Cabinet Council, proceeding to the hustings and amusing his constituents, by depicting to them the danger of their country from the impending piratical invasion of the French people; we had a Cabinet Minister asking the people of England what protection they could have for their wives and daughters with such neighbours as the French, and such a ruler as the present French Emperor. I had to bring these facts, and others of a similar character, before this House, and I did so because I felt that if they were allowed to pass unnoticed by this House such a circumstance would be calculated to impair, if not to destroy, the amicable relations that subsisted between the two countries. And let me ask what was the result of the course I adopted on that occasion? Why, in consequence of that debate, we witnessed the gratifying exhibition of statesman after statesman, of Cabinet Minister after Cabinet Minister, rising in his place, and apologising for the offensive expressions he had used towards the Emperor of the French. That was a very salutary spectacle. It did a good deal of good. It conduced to the maintenance of the peace of Europe; but it conduced to that end only because the Emperor of the French was a forgiving and forbearing man. Now let me ask, were the statesmen of England less offensive to the people and the ruler of France upon that occasion than the French colonels have been to us during these recent events? If the French Emperor and the French nation could endure with impunity those insults from English Cabinet Ministers, I really think the people of England can now afford to pocket the impertinence of the French colonels. I shall now, Sir, proceed briefly to state the course which I feel it my duty to take with regard to this projected measure and the question generally now under consideration. I think it necessary for us to take a large view of this subject. What we have specially to consider is the alliance between England and France. That alliance has, in different forms, and with different degrees of cordiality, subsisted for upwards of a quarter of a cen-

tury. At no period has it been warmer or more effective than under the present French dynasty, and more especially during the last five years of its rule. We have since the commencement of that period fought side by side with the French nation in a war of almost unexampled severity. We have combined for the management of important affairs in almost every part of the globe; and the united influence of our councils, notwithstanding the continued existence of national prejudices, and notwithstanding continual intrigues, has been felt in every court, not only of Europe, but also of Asia and of America. I believe I speak the simple truth when I say, that the feeling of the great mass of the English people towards the people of France is one of a genuine and cordial character. I think the great body of the English nation regard the people of France in a spirit of sincere friendship. But, on an occasion like the present, when it is necessary to speak without disguise, I am bound to say that, so far as I can observe, although there are many eminent persons and even many influential classes in France favourable, and highly favourable, to what is called the English alliance,—and although I think there is a gradual tendency of feeling throughout France generally in favour of this country,—yet, among the great body of the French people, there prevails no reciprocity of friendship in our favour, and no feeling similar to that which we heartily extend to them. Now, under these circumstances, what is the position of a ruler of that country who has the good sense to feel that an alliance between England and France is an act of policy eminently calculated to promote the welfare of his own subjects? We must remember the difficulties he has to encounter in carrying out that policy. We must recollect that although, from his own personal experience, the character of his mind, and the numerous other influences which operate on a person of his elevated intellect in his elevated station, he may have arrived at the conviction that the maintenance of the alliance between the two countries is eminently conducive to the welfare of the land he governs, still he is himself the principal representative of that belief and of that policy; and although in prosperous times, and in moments of prolonged tranquillity, he may, by virtue of his commanding ability and great resources, be able successfully to manage the relations of the two countries, and to cherish and increase the nascent and gradually-spreading sympathy with England which is beginning to pervade France, still, in moments of public excitement, when the mind of that ingenious but irritable people is agitated, it is clear that the position of such a ruler of France must be one of immense delicacy. Under these circumstances, he comes to us as a faithful and a generous Ally; he comes to us, not with threats, although he may have spoken or even have acted with some appearance of passion; and he could well afford to speak or to act in such a manner, who could afford to make the noble apology which we have heard to-night. In a moment of difficulty this faithful and generous Ally comes to the Government of this country and says—"I do not disguise the difficulties I have to contend with; assist me to encounter them; assist me consistently with your laws and consistently with your privileges and rights. I have lived too long in your country not to be aware that no British Minister could dare for a moment even whisper a proposition by which those laws, those rights, and those privileges should be violated or diminished; but aid me at this moment. When hostile factions are raising their heads, and taunting me with the vanity of that English alliance on which I have wished to build my policy, show to France that my confidence has not been misplaced." I think that, under these circumstances, it was a duty of Her Majesty's Government to respond to that faithful Ally; I think it was their duty not to turn a deaf ear to an appeal of such a character. I feel that there is nothing humiliating in attempting to support any Government in any effort it may make to maintain that alliance between England and France which I believe to be the key and corner-stone of modern civilization. As to the mode in which Her Majesty's Government have attempted to carry out this policy into effect, that is altogether another question. It is difficult to conceive what was the object they proposed to themselves in this case, and what were the means by which they hoped to accomplish that object. The noble Lord the Member for London spoke of the disgrace of the country, and the dishonour of Parliament, if the demand of the French Emperor should be conceded. What would he not concede upon the demand of the French Emperor? All that has been demanded by the Emperor has

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been flatly refused, if, indeed, the Emperor is responsible for the unfortunate despatch of his Secretary of State. The very fact which has been dwelt upon, of the monstrous demand of Count Walewski—the very fact that the Government cannot listen—that the country will not listen to it—that at the first blush it is swept away even from the materials for consideration, is the best answer to the taunt and the sneer of the noble Lord. We are not going to concede anything under a threat, because all that has been demanded has been refused. What are we going to do, is another question. I make a full and fair admission that a proposition less satisfactory never appears to me to have been offered to the consideration of this House of Parliament. When the French nation, through their ministers and rulers, had placed before us a statement of their fancied grievances, an English Minister should, in some immortal state paper, breathing the fire and logical eloquence of a Canning, have answered that despatch. He should have placed upon this table a manifesto of our rights and privileges, and at the same time have combined with it a glowing expression of sympathy with a powerful and faithful Ally. That is what I expected; and the Minister who missed that opportunity, missed, as I think, a great occasion. Sir, if we had had the despatch of Count Walewski placed on the table, and at the same time the answer of the British Minister, worthy of the opportunity, in my opinion Her Majesty's Government would have been placed in a position of no difficulty, and the feelings between the two nations would have been maintained in that amicable condition which we all so much desire. Such a despatch would have been the key-note to the country. The Minister might have come down under those circumstances, and have given to the French Emperor what he wanted, what he naturally, reasonably and properly desired. In the face of Europe we should have given to the French people, that people who are misled by calumniators, a bright and living proof of the respect and sympathy of the Parliament of England. Such a course has not been proposed, and all that we are to do is to abrogate an old penal law of Ireland on the one hand, and to retrograde the law of England on the other. I cannot suppose that any such project can give the slightest satisfaction to the Emperor of France, the object in view being to give him an honourable satisfaction. Hon. Gentlemen, who have declaimed in this debate, have uttered reflections upon the Emperor of France, and upon the policy which he pursues. We cannot really enter into details of this kind. They are not part of the question. When a man has been elected by millions in a great country, he is above petty criticisms of that description. If he were indeed a tyrant who had established himself in a stronghold, supported merely by prætorians, those criticisms might injure him; but he has appealed over and over again to the people of France, and the people of France have ratified his election as their chief; and, therefore, it would be a waste of words to criticise their choice of him, or his choice of policy. What the Emperor really required, I apprehend, was a plain demonstration on the part of this country, which would have dissipated those apprehensions which have, unfortunately, proved so considerable in France; but I cannot believe that the Bill which the noble Lord has proposed will at all tend to that most desirable consummation. So far as I am concerned, I consider it the most unfortunate part of the position in which we are placed that this opportunity has been so mismanaged by Her Majesty's Ministers as to have alarmed England without pleasing France. Still I cannot but think that we ought not to take a course which might lead to prolonged and mischievous misconceptions, because we disapprove of the clumsy and feeble manner in which the Government has attempted to deal with this difficulty. We must not seize this opportunity because we wish to inflict a check upon the Government, or do that which might be misconstrued into an insult to that Prince, who I think deserves well of this country; and, therefore, it is my intention to vote for the bringing in of this Bill. But I am not prepared, as at present advised, to take any further part in its defence. I reserve to myself, when the measure is again brought before us, the power of considering the principle upon which it is founded, and shall be ready to listen to any arguments which may induce me to believe, what I do not yet believe, that it will accomplish the purpose for which it is projected. But because I am desirous to show the ruler of France and the French people, that at this moment, when a horrible enormity has been perpetrated in their metropolis, when the life of that ruler has

been endangered, when every attempt has been made to arouse the passions of the people of France, and to misrepresent the feelings of the people of England—because I am desirous of showing the people of France that at this moment there is in the Parliament of Great Britain a noble, a genuine, and a generous sympathy with them, I vote for leave to bring in this Bill, a Bill which I think is quite consistent with the entire maintenance of the laws of England and the privileges of Englishmen.

MR. SIDNEY HERBERT: Sir, I have heard it impressed upon us in the course of debate in this House that the House of Commons should most scrupulously abstain from interfering in the management of foreign negotiations, lest, by the interposition of any haste or intemperance on their part, they should mar the more calm and sagacious counsels of the Government to whom the responsibility of such affairs is intrusted. If that be the case, when the Government, to whom the responsibility of affairs is intrusted, conduct those affairs with the greatest calmness, foresight, and deliberation, still more is it our duty to guard against anything which may bear the appearance of haste, intemperance, or anger when, as it appears to me, the Government have abnegated their duty in conducting our foreign affairs, and left to the House of Commons the duty of answering the despatch of Count Walewski. The right hon. gentleman who has just sat down says the despatch has met with a flat refusal. I know not where he has found that refusal. It is to be found in no despatch which has as yet been communicated to us, as having been sent by the Government or in any answer or explanation of which we have any record. But, looking at the great weight and importance of this subject—looking at the necessity there is that every man speaking upon it should recollect how great are the interests involved, and the relative position into which two high-spirited and susceptible nations have been brought by the commission of a crime which all in this country concur in reprobating, and by the mistakes made on both sides of the water in regard to the treatment of the considerations arising out of that crime—it behoves us to take care that by any expressions in this House we do not add to the irritation, which may exist, feelings of chronic and lasting hostility towards a gallant and high-spirited nation, to which we wish to remain bound by ties of the closest amity, whether they live under a democracy, a constitutional form of government, or a complete despotism. I shall not in this discussion say one word reflecting on the public career or vituperating the character of the Emperor of the French. He has met with great approval in past times and has even been made the subject of great adulation in this country. I have never shared in that feeling of adulation, and I have never uttered an expression calculated to lead to the impression that I shared in it. I have spoken of him as other men have spoken of him, not in relation to his own subjects, but in relation to ourselves, as a tried and faithful ally at a time of great emergency in the fortunes of this country. I rejoice to say that under his guidance two great European nations have been brought from a state of long standing enmity into a relationship of amity and friendship; but, as regards the career of the Emperor of France, I hope that my attachment to constitutional principles is not of such short standing, or built on such a shallow foundation, that I could say I can see a country so accomplished, so generous, and so worthy of leading the van of civilization in continental Europe, subjected to such a fate, as she has undergone, without grieving over the destruction of that constitution she had once conquered and for a time retained. Could any man nurtured in the lap of constitutional freedom see the fate of that country with any other feeling? The French nation, I know, take a different view of this subject. They worship prestige and glory for their country and they worship success. They worship these things as we in England worship individual liberty, maintaining as we do that no country, no nation, can have liberty which is not founded on the liberty of the individuals who constitute the nation. Now, having said this much on the view I take on the subject of the character of the Emperor of the French and his relations with his own country and with ours, let me point out the extraordinary change of opinion that has taken place in this country within the last few days in regard to the Emperor. A fearful and diabolical crime—and no man would allow any passing difference of opinion respecting the Emperor of the French to qualify his detestation of the cowardly assassins who perpetrated that crime—has been committed, and I don't believe that crime, strong as is the feeling in France with respect to it, caused more

pain in the public mind of France than it did in this country. I say, too, that never —not even in the height of that alliance in which he assisted us in a struggle for the independence of Europe—was the popularity of the Emperor stronger than at the moment when we saw and heard of that execrable attempt upon his life and that of the Empress who sat by his side, and upon the lives of an innocent crowd. What has changed this feeling in the minds of the people of this country? I don't know whether I may quote a saying of an eminent man which has been circulating in this House during the present debate, namely, that "Assassins don't kill monarchs, but they make them do very foolish things." I think the truth of that saying is wonderfully illustrated by what has occurred. What was it that produced this change of feeling on our part? The first cause, as it was first, I suppose, in importance, was the address of the Count de Morny, the President of one of the Chambers. That, at any rate, was the expression of opinion of a man who was speaking for others, but not for the Emperor. Then came the addresses of the colonels, and I rather agree with the right hon. Gentleman, who last addressed the House, that the opinions uttered by three or four French colonels of the line on such subjects as the relations of France to foreign countries, the English constitution, and the spirit of our legislation, if they convey an insult, convey one which we may easily overlook. I confess that my equanimity was not much disturbed; but when those addresses were adopted as official documents their character was altered. Well, then, we have heard to-night of a despatch written by the orders of the Emperor, expressing frankly his regret that those addresses should have been inserted in the *Moniteur;* and I think we ought to consider in this case how much an expression of regret from a man in that position cost him, and how much it indicates the value he attaches to the English alliance when he thus seeks to conciliate the esteem of the English people. The right hon. Gentleman who last addressed the House says that, in private life, when once a gentleman expresses his regret the offence is forgiven. I wish, Sir, that in discussing questions touching our relations with foreign States we could all come back a little more to the code which regulates the intercourse between gentlemen in private life. We do not always do that, and now we understand by experience how much nations feel when they get a hint from a foreign country how to manage their own internal affairs. We have been a little too fond of interfering in that way. We have now reason to understand the feeling of irritation which is felt when even the wisest and soundest advice is given to other nations. These nations naturally said—"Whatever may be your opinion, we are the persons to judge of the matter." They felt that what they think our prejudice in favour of freedom was utterly incompatible with the existence of society in their country; and they were annoyed at our interference in what rightly concerned themselves, and did not at all concern us. I have often heard it stated, and stated as a matter of praise, that that policy of interference with the internal affairs of other nations is the policy for which England is feared and hated throughout Europe. To carry out the analogy between an individual and a nation, let us imagine what our feelings would be with regard to a man who was said among his neighbours to be feared and hated by every one about him. Yet I have heard that policy mentioned, not in reprobation, but in praise—spoken of as a distinguished policy, and dignified by the name of a spirited foreign policy. Now, I have treated of two of the causes which have led to this hostility of feeling between the people of two generous and susceptible nations, as we are; I have said that for one the Emperor of the French cannot be held responsible, and with respect to the other, that he has made a frank expression of regret which ought to be as frankly accepted on our part. But I come to a third cause, and that is the despatch written by Count Walewski, who, from his long residence in this country, ought to know well the feelings which animate Englishmen. I do confess I think that that despatch has been unanswered, why, I know not. I frankly own I never read a despatch which was more tempting to a Minister to answer than this one. I cannot speak of it with any praise as regards its accuracy. I find things assumed in it as facts for which there is not a tittle of evidence. There have been some five or six attempts against the life of the French Emperor. It is assumed that every one of these was hatched under cover of the hospitality of England, and of what may be called the connivance of England, and that the men who hatched them could have done so nowhere else than in this

country. But what evidence have we in those cases of a conspiracy to murder? Take the case of Pianori. How did he conspire to murder? He had no accomplices. He was a man impelled by a fanatical and unreasoning hatred towards the Emperor; his conduct was characterized by an utter disregard of right and wrong, and without the complicity of any one he attempted the Emperor's life. How would you bring that case within the category of conspiracy to murder? Again, it is assumed that this plot has been entirely concocted in England, but is it not notorious that the very men, who have taken the leading part in it, have been living for some time in France and in other parts of the Continent? They may, when resident in England, have harboured some idea of the crime. That is very possible. It is said that the grenades were made in England. But were they made with our connivance? It appears that they were made in open day, and that the man who made them never disguised making them. He conceived it was one of the many orders which, especially since the commencement of the last war, inventors of missiles have been in the habit of giving, being not unfrequently, I am told, clergymen of the Established Church, certainly persons not likely to be conspirators. It has been pointed out so well and so clearly by the noble Lord the Member for London what are the objections to this despatch—how they seek by implication what they can never get, and imply that those things, which can be given, would not meet their purpose—that I will not waste time by a discussion of that matter. But I say that before we come to an ultimate decision of this question, which in my opinion is too grave to be lightly shelved, there are several questions which ought to be answered. I want to have an exposition from several lawyers of high authority of the state of the law upon which, if rumour be true, they do not entirely agree. I want to know whether the law is sufficient to reach aliens conspiring to obtain the death of another alien in a foreign country, before we say aye or no upon the merits of this measure, as one of legal reform. I want to know that which the Foreign Office alone can answer, is it true, or is it not true, that the Government have given notice—and if they have, they have done it most properly—whenever any information has come to their hands, which has led them to believe some plot or crime was being concocted, and that the French police, being so warned, have been entirely unable to detect the criminals? I want to know, again, whether it has ever been the practice when men have been thought dangerous and troublesome, not by the police, but the Legislative Chamber of France, *pour soupcons graves*, to ship them in steamers at Boulogne and put them upon the English shore. I want to know what is the effect of converting a misdemeanour into a felony, as regards the power of the police to enter a house, or to search a house, or to invade the free action of suspected persons. If we have French police in England, which, of course, we have, they may make charges against men which may put them to great inconvenience, although the accusation may turn out to be utterly groundless. That is a mode of dealing with matters of this sort, which is foreign to our habits and manners, and I am not sure that conspiracies on the part of the police are not worse than any other kind of conspiracy. For all these causes I plead for time before we come to an ultimate decision. But I have another reason for pleading for that time. As I said before, there is no doubt that despatch is to be answered by this House. It is not often that a popular Assembly is trusted to answer the despatch of a foreign Government upon a very grave question of international law, upon which public opinion on both sides of the Channel is very much heated. For the character of the House I say do not let us answer it by a precipitate decision. Some hon. Gentlemen have spoken in terms of great disparagement of the Emperor of the French. I have not. I am not entitled to do so, nor am I so inclined. But let us recollect that behind that Emperor is the French nation, which has selected him for their ruler, and to whom he is, as it were, the incarnation of their opinions. You cannot revile him without wounding them. It is eminently our duty to cultivate friendly relations with the French people. Putting aside the question of Government, those two nations, leaders as they are of the opinions of the world, must, if the happiness of the world is to be preserved, walk hand-in-hand in thorough understanding. If, then, we are to give an answer to this despatch, and to give it by a Bill laid before the House, let us take care that it shall not be said of us, "You have had a proposal offered in a solemn manner by the Crown, and in heat and anger you have

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forced it indignantly back, and refused to look at it." The Bill may be a good Bill. That remains to be seen and to be proved. Take time upon a subject so doubtful before you meddle with English law upon foreign application. It may be a bad Bill. If it be, I say for the same reason you have a solemn and unusual duty imposed on you. Take care that you do not appear to answer in the spirit and tone of the Colonel of the 80th of the line. Show that you have taken a more statesmanlike view of your duties and responsibilities, and that you will not refuse to consider a measure which, at any rate, the Government responsible to the Crown thinks is a measure which ought to be taken into consideration, first upon its own merits and next out of respect for the French nation. I say take care that, if your answer be a refusal, it shall have all the weight given it by the deliberation, calmness, and dignity of your attitude. Impelled by those feelings, I shall give my vote for the first reading. I shall not refuse to entertain the consideration of this measure; I shall be ready, after due deliberation and after hearing the opinions of those who are competent to guide us, without fear or prejudice to give my opinion upon the merits of the measure when it is proposed to be read a second time.

VISCOUNT PALMERSTON: Sir, I have heard in the course of this discussion some arguments against the proposal of Her Majesty's Government which I scarcely expected to have heard in the quarter from which they came. We have been told by one hon. and learned Gentleman (Mr. Warren) on the other side of the House that we should give the answer of the Barons—"*Nolumus leges Angliæ mutari.*" We have been told by my noble Friend behind me (Lord John Russell), who I always imagined claimed to be a reformer of the law, that we ought to stand by the ancient law of the country, and because this offence of conspiracy for a long course of time has been simply a misdemeanour we ought to refuse to apply the grave punishment attaching to felony. I trust the House will dismiss from their minds arguments founded upon such principles as these. We are told, on the other hand, that there are statements made on the part of the Government and people of France, which are so offensive and so contrary to truth, that on that account we ought to decline to take this measure into consideration. Hon. Members have taken great offence at the assertion which they say has been made on the part of France that this country has been a harbour for assassins and conspirators. Sir, I am concerned to say that in point of fact that which has recently passed prevents our meeting that assertion with refutation. It is not true that the people or the Government of England intentionally encourage or harbour men capable of committing this crime, but unfortunately it is a fact that men have plotted crimes in England and from England have issued for their perpetration. When we are told by the right hon. Gentleman and others that we ought to have answered that despatch of Count Walewski with an indignant refutation, I say, unfortunately facts prevented our making that indignant refutation. It is impossible to deny that which the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) stated. It is notorious to all the world that this last conspiracy, at all events, was mainly hatched in England, that the instruments by which it was to be accomplished were fabricated in this country,—not accidentally, as I heard one hon. Gentleman say,—but decidedly for a purpose previously conceived; and that the persons to execute the plan had not, as the right hon. Gentleman who spoke last says, passed a considerable time beforehand in France, but had issued quite recently from this country, for the purpose of committing the crime of which they are guilty. I say, therefore, that such an unfortunate state of things naturally and necessarily led the Government of this country to consider the state of the law, and even before we had received any application from the Government of France we deemed it our duty to turn our minds to a serious consideration of the evil. If any measure can be an effectual remedy there were but two modes of treatment. One mode would have been to have recourse to legislation which existed at previous periods and for a limited time with regard to aliens, by which the Government had the power of expelling persons suspected to be dangerous to the Government and welfare of this country. In all former Alien Bills that power was so limited; but we must have gone beyond that and have asked Parliament to give the Government power to expel persons supposed to be dangerous to the Government of other countries. That would, indeed, have been a course to which Parliament and the country would not have

listened for a moment. It would have been obviously ineffectual for the purpose, inasmuch as you could rarely have that degree of suspicion of the crime intended which would justify you in removing the persons accused. If we had had such a power upon the present occasion, it would not have enabled us to prevent the crime, because no suspicion attached to the persons who were the perpetrators or the instigators of the abominable crime which has given rise to these discussions. If it were not possible to have recourse to a measure which would enable you to prevent crimes of this kind by the previous removal of persons suspected to have the intention of committing them, the only other course open was to increase the punishment which was attached to the commission of the crime, and thus to endeavour to increase the motives which would deter men from entering into these conspiracies. The noble Lord behind me (Lord John Russell) tells us that this Bill would be ineffectual, because the severity of punishment does not deter from offences; on the contrary, according to his reasoning the relaxation of punishment is the motive by which you deter men from crime. My noble Friend's argument is a plagiarism of the old rhyme. He thinks that punishment

"is great because it is so small,"

and his reasoning leads to the following conclusion,

"Then 't would be greater if 't were none at all."

That argument is not founded upon reason, nor upon the experience of mankind. We know that too severe punishments fail, not from the insufficiency of the motives which they afford to deter men from crime, but from the difficulty to persuade juries to convict persons of crime, and thereby subject them to a punishment which they think is beyond its deserts. That is the only reason of their failure. I hold my noble Friend to be entirely wrong in saying that by raising the crime of conspiracy from a misdemeanour to a felony we shall not add to the motives which may deter men from entering into such criminal projects as conspiracies to murder. It is idle to say that greater severity of punishment in Ireland has not altogether put an end to this crime in that country. If the argument were admitted that, because a punishment had not invariably put an end to the commission of the crime against which it is aimed, therefore the punishment is useless, there ought to be an end to all penal laws. What punishment—what penal law is there which has ever succeeded in entirely extinguishing the crime against which it was directed? All you can hope from penal legislation is to create greater deterring motives in the minds of men who may be predisposed to the commission of crimes; but to imagine that there will not be men who from reckless passion, vain hope of impunity, or some other excuse, will be led to commit any crime whatever, is to imagine that which is totally opposed to the whole course of human experience. The severest punishment does not prevent the commission of murder, and you might as well argue that because murders continue in spite of that severe punishment, we ought to dismiss punishment altogether, and leave mankind simply to the influence and the moral teaching of those who may endeavour to guide them in the paths of virtue. Therefore there is no force whatever in the argument that to inflict a severe penalty on the offence of conspiracy is not calculated to render the commission of the offence less likely. There are two views in which this measure may be regarded—first as an improvement in our own law without regard to any external considerations, and next as a measure calculated to prevent, as far as we can properly do so, the commission of a great crime—of a crime which would be highly injurious to the interests of the country, and would inflict a deep stain on its honour and character. No man can deny that there is great advantage in assimilating the law of the different portions of the United Kingdom with regard to any particular offence. As regards the Irish law, the right hon. and learned Gentleman opposite (Mr. Napier) has argued with great success on the advantage of reducing the penalty which is at present attached to this offence of conspiracy to commit murder, and the argument is equally strong, on the other hand, that it would be a great advantage in England, both as regards its internal and external interests, to raise the offence from a simple misdemeanour to a felony. In spite of the maxim of the Barons, in spite of the new-born attachment of my noble Friend behind me for our ancient laws, the Bill which we propose to you, regarded on its own merits, is a great improvement in the state of the statute law of the land as it now exists. It has been said, however, if this is merely a reform in the law why did you not make it part of the Consolidation

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Bills which are about to be laid before Parliament? But my hon. and learned Friend the Solicitor General has well explained that this is a change, and not a consolidation of the law, suddenly called for by external circumstances, and that therefore it would not properly have a place in those Bills. The real ground upon which this measure rests is not simply that it is an improvement in the law of the country, but that it is a measure calculated to prevent the recurrence of a great crime, the consequences of which would be injurious to the best interests of the country as well as derogatory to its honour. Is it to be wondered at that foreign nations should look with irritation and with feelings of mistrust on this country if they think that it designedly harbours within its bosom men who are here for the purpose of plotting most diabolical outrages to be committed in their own country? Sir, I should be sorry if anything were proposed or adopted in this country which would interfere in the slightest degree with that principle by which the shores of England are open to political refugees of every country. Whatever they may be, and whatever opinions they may hold with respect to the Government of their country, they ought to be allowed to come here and remain here, under the security of our laws, so long as they continue to behave peaceably and do not commit any offence against the laws of this country or against the laws of God and man. But it never can be the wish of the English people that, under the pretence of enjoying security against oppression, men should be allowed to be here plotting offences of the deepest dye, and instigating others to commit crimes involving other countries in scenes of anarchy and bloodshed by the assassination of those who may be at the head of the Government. And who are the persons against whom this Bill has been levelled? It has been said by the hon. Member for Pontefract (Mr. Monckton Milnes) that this Bill will not sway the minds of vindictive men, or those men who, with mistaken views of patriotism and careless of their lives, risk their existence for the accomplishment of such dreadful designs. These are the criminals who are the actors in those assassinations, who pay the forfeit of their lives whether they succeed or fail. But the objects of this Bill are the cowards who stand behind like the person alluded to by my noble Friend in the case of the assassination of Count Rossi, who urged on those who were to commit the crime, but himself remained behind. These are the men against whom this Bill is levelled, and with regard to them I have yet to learn that the increase of punishment which this Bill will inflict will not furnish motives to deter them from the commission of such offences. It is quite true that when you have awarded the punishment it remains in each case to obtain the evidence, by which the commission of the offence is to be proved. That, undoubtedly, is a difficulty in all these cases, but it is neither greater nor less in the case of a misdemeanour than in that of a felony. The advantage of the measure which we propose is, that if you get that evidence, if you are enabled at any future time to convict any individuals of the crime of conspiring to commit murder, or of instigating others to commit it, there will be a severe punishment inflicted on them, which no man can contemplate without dread and apprehension, and consequently without being deterred in some degree from committing the offence. Sir, many of those who have spoken in this debate have drawn the attention of the House to the great and important question of our relations with our neighbours in France. Sir, it is in vain to disguise that that no doubt is, and must be, a main element in the consideration of the measure which is now before the House. Sir, we have not yielded to threat or intimidation. The very arguments which have been used in the course of the debate negative that assertion. My noble Friend (Lord John Russell) objected to the Bill that it did not accomplish what the French Government asked. Then, if it does not do that, there is an end of the argument that the House is called on to yield to the threats of a foreign country. This Bill does not, undoubtedly, do that which is pointed out in one portion of the despatch from Count Walewski—although the despatch strictly says that it leaves the whole question to the judgment and discretion of Her Majesty's Government—it does not do that which the French Government declares that it does not do itself in France,—it does not infringe the principle of hospitality to foreigners of all countries who seek a refuge from the tyranny of their own Governments. But the argument of those who say that we are not to do that which in itself is right, because, forsooth, it is asked for and expected by others, is the very argument by which every tyrannical Government refuses to

make any concessions to its subjects. When discontent prevails, and it is pointed out that certain improvements in their system would remove that discontent, those Governments say, "No; it would be undignified — it would be unworthy of our position—to make concessions when demands are made; let us wait until nobody wants anything, and then we may, perhaps, in our generosity and discretion do it." Such is the argument that is used now. We are told that it may be right that we should take some precautions, so far as they are consistent with our constitution, to prevent the commission of diabolical crimes abroad which are hatched in this country; but we are asked to do it now by a foreign Government, and, therefore, we will not do that which in itself it would be perfectly right to do on another occasion. That, Sir, is not an argument which can be listened to seriously—we have interests of too much magnitude at stake to allow us to listen to reasoning of that kind. We have our own honour and character in the first place to maintain, and I say that it would be disgraceful to the English nation if, knowing that these crimes are the result of conspiracies hatched here, we were to refuse to stamp them with the mark of our condemnation by a new law which would be applicable to the case. As far, then, as regards our own honour and character, I think that the country is bound to take some step to show to the world—not by speeches or by flaming and magnificent despatches, such as the right hon. Member for Bucks (Mr. Disraeli) would have had us write, but by some more substantive and certain action — the detestation which Parliament and the country entertain of crimes of this kind, and their desire to do that which is consistent with the law and constitution of the realm for the purpose of preventing their repetition. I certainly do lament — as many others who have spoken lamented—that expressions have been used in the course of this debate, in regard to the Emperor of the French which I think even those who used them must, upon reflection, regret having escaped their lips. We have only to look upon the Emperor of the French in that character in which he has been so well and so eloquently described by the right hon. Member for Buckinghamshire (Mr. Disraeli), as a steady and faithful Ally of this country,—as a Sovereign who, placed at the head of a great nation by the will of that nation, has, as far as the interests of his country are concerned, at least this to say, that it is in a state of as great internal material prosperity as was ever known in France at any period of her history—we have only to look at him, I say, in that character to make us regret that those expressions have been used. We have no right to inquire into the system of administration which the people of France are willing to submit to; we look upon the Emperor of the French as the organ of a great and friendly nation; we have been allied to France of late years in war and in peace, and we have found the Emperor steady and faithful, constant and true. We have found him consulting, in the first instance, the honour and interests and dignity of his own country, at the same time that he made a due regard to those ends coincident with fidelity to his alliance with England, and showed how deeply he was persuaded of the great truth, that it was important for the interests of both countries that that alliance and friendship should continue, since it not only confers immense benefits on the two nations, but affords the best security for the maintenance of the general peace of Europe and the world. If, then, we have an ally so true, so faithful, so powerful to aid us, and so capable of rendering the alliance between the two countries beneficial to both and to the world at large, let us not lightly do that which might be considered offensive to that Sovereign and to the nation which he rules; and if we are able by any legislation of ours, without departing from the spirit of our constitution, and without introducing any new principle into our laws, to add the slightest security to the valuable life of that great and illustrious Sovereign, we should, indeed, incur a heavy responsibility if, having those means in our power, we were lightly to reject them. We should indeed be open to censure if, having it in our power to diminish the dangers to which that great and illustrious man has lately been exposed, we were, upon any paltry feeling of offended dignity, or of irritation at the expressions of three or four colonels of French regiments, to act the childish part of refusing an important measure on grounds so insignificant and so trumpery. Sir, I should here explain, perhaps, what appears to have been very much lost sight of, that it is almost invariably the habit of the French army, and even of small detachments of the army, to send in addresses upon occasions of this kind; and,

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as a matter of course, those addresses go into the *Moniteur*. Hon. Members seem to imagine that those addresses are selected by the head of the Government, and that they are inserted in the *Moniteur* by special order; but anybody who is acquainted with the course of business knows that it would be quite inconsistent with the numerous avocations of the Emperor that he should read through two or three hundred of those addresses in order to select those which he might wish to publish, and to repress the others. There is, therefore, no reason for saying that because those addresses were inserted in the *Moniteur* they were adopted by the Government of France. I hope that the House will not, either by refusing us leave to bring in the Bill, or by a Motion for delay—which would be tantamount to the same thing—give any ground for the impression that there exists in this country or in this House any indifference to the abominable crime to which this Bill relates, or to that important alliance which exists between the Governments and nations of England and of France. I trust, on the contrary, that the House, by giving us leave to bring in the Bill, and by carrying it through its various stages, will afford a manifest proof that we do feel the utmost detestation for that base system of conspiracies to which the Bill points, and that we are willing to do all that it is possible to do, consistently with the principles of our constitution, to prevent the concoction of these crimes in England, and to afford at least some additional degree of security to the Emperor of the French, by rendering it more difficult for such atrocities in future to be planned in England, and executed by persons assembling on these shores, which ought only to be the shelter of the virtuous, the honourable, the patriotic, and the brave.

MR. COX moved the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."

VISCOUNT PALMERSTON: I should really hope that, after two nights' debate, the House is at least prepared to come to a decision upon the preliminary question as to the introduction of the Bill. If my hon. Friend wishes to discuss the principle of the Bill, he will have ample opportunity when it is introduced. At all events. I think it my duty to divide against a further adjournment.

MR. WYLD said, he hoped that his hon. Friend would not press his Motion for an adjournment, and he would take that opportunity of stating that, although he intended to vote against the introduction of the Bill, he was not indifferent to the value of our alliance with France, or the atrocity of the attempt to destroy the life of the Emperor. He protested against the interpretation which the noble Lord attempted to put on the conduct of those who were opposed to the Bill.

LORD JOHN RUSSELL said, he hoped that the division would take place that night, and suggested to the hon. and learned Gentleman (Mr. Kinglake) who had moved the Amendment, the desirableness of his withdrawal of it, in order that the question might be simplified, and the division taken on the question that leave be given to introduce the Bill.

MR. COX said, he would withdraw his Motion for adjournment.

Motion, by leave, *withdrawn*.

MR. KINGLAKE: I understand it is the general desire of the House that the division should be taken on a direct negative rather than upon the Amendment which I had the honour to propose. In order that the House may determine whether it will be right to accede to my request that I shall be allowed to withdraw my Amendment, I have only to remind them that the object of the Amendment was, to induce the House to refrain from legislating upon this subject until documents relating to the point in discussion between the two Governments should be produced. Now, it has fallen out that the material document, to which my mind was directed, has been read in this House in the course of the present debate. I think, therefore, that consistently with the view which induced me to propose the Amendment, I may respectfully ask the House to permit me to withdraw it.

Amendment, by leave, *withdrawn*.

Original Question put.

The House *divided*:—Ayes, 293; Noes, 99: Majority 200.

List of the Ayes.

Adams, W. H.	Bailey, C.
Adderley, C. B.	Baines, rt. hon. M. T.
Adeane, H. J.	Ball, E.
Akroyd, E.	Baring, A. H.
Annesley, hon. H.	Baring, H. B.
Antrobus, E.	Baring, rt. hon. Sir F. T.
Ashley, Lord	Baring, T.
Atherton, W.	Baring, T. G.
Bagshaw, R. J.	Barnard, T.
Bagwell, J.	Bernard, T. T.

Bathurst, A. A;
Beach, W. W. B.
Beecroft, G. S.
Bennet, P.
Bentinck, G. W. P.
Blakemore, T. W. B.
Bland, L. H.
Bonham-Carter, J.
Botfield, B.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Bowyer, G.
Brady, J.
Bramstone, T. W.
Bridges, Sir B. W.
Brocklehurst, J.
Browne, Lord J. T.
Bruce, Lord E.
Bruce, Major C.
Bruce, H. A.
Buckley, Gen.
Buller, J. W.
Bury, Visct.
Buxton, C.
Buxton, Sir E. N.
Cairns, H. M'C.
Calcraft, J. H.
Calcutt, F. M.
Campbell, R. J. R.
Cardwell, rt. hon. E.
Carnac, Sir J. R.
Castlerosse, Visct.
Cavendish, Lord
Cayley, E. S.
Cecil, Lord R.
Charlesworth, J. C. D.
Child, S.
Clay, J.
Clifford, C. C.
Clive, G.
Close, M. C.
Cobbold, J. C.
Codrington, Sir W.
Codrington, Gen.
Cogan, W. H. F.
Cole, hon. H. A.
Colebrooke, Sir T. E.
Collier, R. P.
Cowper, rt. hon. W. F.
Corry, rt. hon. H. L.
Cotterell, Sir H. G.
Cross, R. A.
Curzon, Visct.
Dashwood, Sir G. H.
Davey, R.
Disraeli, rt. hon. B.
Divett, E.
Dod, J. W.
Dodson, J. G.
Drummond, H.
Duff, M. E. G.
Duncan, Visct.
Dundas, F.
Du Pre, C. G.
Dutton, hon. R. H.
Edwards, H.
Egerton, W. T.
Egerton, E. C.
Elliot, hon. J. E.
Elphinstone, Sir J.
Estcourt, T. H. S.
Farnham, E. B.
Fergus, J.
Finlay, A. S.
FitzGerald, rt. hn. J. D.
FitzRoy, rt. hon. H.
Fitzwilliam, hon. C. W.
Fitzwilliam, hon. G. W.
Foley, J. H.
Foley, H. J. W.
Fortescue, hon. F. D.
Fortescue, C. S.
Fraser, Sir W. A.
Gard, R. S.
Gifford, Earl of
Glyn, G. G.
Goddard, A. L.
Goderich, Visct.
Gordon, L. D.
Greenwood, J.
Greer, S. M'C.
Gregson, S.
Grenfell, C. P.
Gray, Capt.
Grey, rt. hon. Sir G.
Grey, R. W.
Griffith, C. D.
Grosvenor, Earl
Gurdon, B.
Gurney, J. H.
Gurney, S.
Hall, rt. hon. Sir B.
Hamilton, G. A.
Hanbury, R.
Handley J.
Hankey, T.
Hanmer, Sir J.
Harcourt, G. G.
Hardy, G.
Harris, J. D.
Hassard, M.
Heathcote, hon. G. H.
Heneage, G. F.
Henley, rt. hon. J. W.
Herbert, rt. hon. S.
Herbert, Col.
Hill, Lord E.
Hill, rt. hon. R. C.
Holland, E.
Hopwood, J. T.
Hornby, W. H.
Hotham, Lord
Howard, hon. C. W. G.
Hume, W. F.
Ingestre, Visct.
Ingham, R.
Jermyn, Earl
Jervoise, Sir J. C.
Jolliffe, Sir W. G. H.
Keating, Sir H. S.
Kendall, N.
King, J. K.
King, E. B.
Kinglake, J. A.
Knatchbull, W. F.
Knatchbull-Hugessen, E
Knight, F. W.
Knightley, R.
Labouchere, rt. hon. H.
Langston, J. H.
Langton, W. G.
Langton, H. G.
Lennox, Lord A. F.
Lennox, Lord H. G.
Lewis, rt. hon. Sir G. C.
Liddell, hon. H. G.
Lincoln, Earl of
Lisburne, Earl of
Lopes, Sir M.
Lowe, rt. hon. R.
Lyall, G.
Lytton, Sir G. E. L. B.
M'Cann, J.
Mackie, J.
Mackinnon, W. A. (Lymington)
Mackinnon, W. A. (Rye)
Maguire, J. F.
Mainwaring, T.
Malins, R.
Mangles, R. D.
Mangles, C. E.
Manners, Lord J.
Marjoribanks, D. C.
Marsh, M. H.
Marshall, W.
Martin, C. W.
Massey, W. N.
Matheson, A.
Maxwell, hon. Col.
Mellor, J.
Miles, W.
Miller, T. J.
Miller, S. B.
Mitchell, T. A.
Morgan, O.
Morris, D.
Mowbray, J. R.
Napier, rt. hon. J.
Newdegate, C. N.
Nisbet, R. P.
Noel, hon. G. J.
Norris, J. T.
North, Col.
North, F.
Ossulston, Lord
Paget, Lord A.
Pakington, rt. hn. Sir J.
Palmer, R.
Palmer, R. W.
Palmerston, Visct.
Patten, Col. W.
Pennant, hon. Col.
Percy, hon. J. W.
Perry, Sir T. E.
Philipps, J. H.
Pigott, F.
Pilkington, J.
Pinney, Col.
Pritchard, J.
Pugh, D.
Puller, C. W.
Ramsden, Sir J. W.
Ramsay, Sir A.
Rawlinson, Sir H. C.
Rebow, J. G.
Repton, G. W. J.
Richardson, J.
Ridley, G.
Robertson, P. F.
Rushout, G.
Russell, H.
Russell, A.
Russell, F. W.
Rust, J.
Schneider, H. W.
Sclater-Booth, G.
Scott, hon. F.
Scrope, G. P.
Seymour, H. D.
Sibthorp, Major
Slaney, R. A.
Smith, M. T.
Smith, rt. hon. R. V.
Smith, Sir F.
Smyth, Col.
Spooner, R.
Stafford, Marquess of
Stanley, Lord
Steel, J.
Steuart, A.
Stewart, Sir M. R. S.
Stuart, Lord J.
Stuart, Col.
Sturt, N.
Tancred, H. W.
Taylor, S. W.
Thompson, Gen.
Thornely, T.
Thornhill, W. P.
Tite, W.
Tollemache, hon. F. J.
Tottenham, C.
Turner, J. A.
Vance, J.
Vane, Lord H.
Vansittart, G. H.
Vansittart, W.
Verney, Sir H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Vivian, hon. J. C. W.
Waddington, H. S.
Walcott, Admiral
Walpole, rt. hon. S. H.
Walsh, Sir J.
Walter, J.
Warre, J. A.
Weguelin, T. M.
Western, S.
Westhead, J. P. B.
Whitbread, S.
Whitmore, H.
Wickham, H. W.
Wigram, L. T.
Willcox, B. M'G.
Williams, Sir W. F.
Willoughby, Sir H.
Wilson, J.
Wingfield, R. B.
Wise, J. A.
Wood, rt. hon. Sir C.
Woodd, B. T.
Wood, W.
Woods, H.
Wrightson, W. B.
Wyndham, Gen.
Wynne, rt. hon. J. A.
Wyvill, M.
Young, A. W.

TELLERS.

Hayter, W. G.
Brand, —.

List of the NOES.

Adair, H. E.
Alcock, T.
Archdall, Capt. M.
Ayrton, A. S.

Bass, M. T.	Hutt, W.
Baxter, W. E.	Johnstone, J. J. H.
Beale, S.	Kelly, Sir F.
Beresford, rt. hon. W.	Ker, R.
Berkeley, hon. H. F.	Kershaw, J.
Biggs, J.	King, hon. P. J. L.
Bovill, W.	Kinglake, A. W.
Byng, hon. G.	Kinnaird, hon. A. F.
Caird, J.	Knox, Col.
Carden, Sir R. W.	Laslett, W.
Clinton, Lord R.	Lyndsay, W. S.
Cobbett, J. M.	Lygon, hon. F.
Collins, T.	Macartney, G.
Colvile, C. R.	Macaulay, K.
Coningham, W.	Martin, J.
Cox, W.	Melgund, Visct.
Craufurd, E. H. J.	Milnes, R. M.
Crawford, R. W.	Moffatt, G.
Crook, J.	Napier, Sir C.
Dalglish, R.	Nicoll, D.
Dent, J. D.	Pechell, Sir G. B.
Dillwyn, L. L.	Peel, Sir R.
Dobbs, W. C.	Pevensey, Visct.
Du Cane, C.	Philips, R. N.
Dunlop, A. M.	Price, W. P.
Elcho, Lord	Ricardo, J. L.
Elmley, Visct.	Rich, H.
Elton, Sir A. H.	Roupell, W.
Evans, Sir De L.	Russell, Lord J.
Evans, T. W.	Salisbury, E. G.
Ewart, W.	Scholefield, W.
Ewart, J. C.	Shelley, Sir J. V.
Fenwick, H.	Sheridan, H. B.
FitzGerald, W. R. S.	Smith, J. B.
Forster, C.	Smith, A.
Fox, W. J.	Stanley, H. W. O.
Franklyn, G. W.	Stapleton, J.
Garnett, W. J.	Stirling, W.
Gaskell, J. M.	Sykes, Col. W. H.
Gibson, rt. hon. T. M.	Townsend, J.
Greene, J.	Trelawny, Sir J. S.
Grenfell, C. W.	Warren, S.
Hadfield, G.	White, J.
Hamilton, Capt.	Williams, W.
Headlam, T. E.	Wyld, J.
Hodgson, K. D.	Yorke, hon. E. T.
Hodgson, W. N.	
Hope, A. J. B.	TELLERS.
Horsman, rt. hon. E.	Roebuck, J. A.
Hunt, G. W.	Gilpin, C.

Ordered,—

That leave be given to bring in a Bill to amend the Law relating to Conspiracy to Murder; and that Viscount PALMERSTON, Sir GEORGE GREY, Mr. ATTORNEY GENERAL, and Mr. SOLICITOR GENERAL do prepare and bring it in.

LADY HAVELOCK AND SIR HENRY HAVELOCK'S ANNUITY BILL.

SECOND READING.

On the Motion that the Bill be read a Second Time,

GENERAL CODRINGTON said, that the statement quoted by the right hon. Gentleman the Chancellor of the Exchequer on Friday, of the circumstances under which the Victoria Cross was given to Sir Henry Havelock had caused some pain to the officers of a gallant regiment, which he should be glad, if possible, to remove. The 64th regiment accompanied Sir Henry Havelock, from Allahabad, on his first march. They were with him in several battles which he fought against large odds, and no regiment could have behaved better in every respect. At the battle of Cawnpore the regiment charged the enemy under a severe fire, and connected with this battle was the gallant deeds of the son of the late Sir Henry Havelock. The account quoted by the right hon. Gentleman the Chancellor of the Exchequer was a telegraphic despatch from Sir Henry Havelock, which some of the officers of the 64th regarded, not as a slur upon the regiment, but as implying a want of conduct on the part of the commanding officer of that regiment. The passage was as follows:—

"I called up the regiment to rise and advance.. Without any other word from me Lieutenant Havelock placed himself on his horse in front of the centre of the 64th, opposite the muzzle of the gun. Major Stirling, commanding the regiment, was in front, dismounted; but the lieutenant continued to move steadily on in front of the regiment at a foot pace on his horse. The gun discharged shot until the troops were within a short distance, when they fired grape. In went the corps, led by the lieutenant, who still steered steadily on the gun's muzzle, until it was mastered by a rush of the 64th."

Major Stirling, who commanded that regiment, and who lost his life while gallantly leading his men, had distinguished himself in many severe and well-fought battles. Sir Henry Havelock, speaking of the action at Aherwa on the 16th of July, says:—

"On the left Major Stirling with the 64th was equally successful against another village, and took three guns."

Again,—

"The enemy sent round shot into our ranks until within 300 yards, and then poured in grape with such precision and determination as I have seldom witnessed. But the 64th, led by Major Stirling and by my aide-de-camp, who had placed himself in their front, were not to be denied. Their rear showed the ground strewed with wounded; but on they steadily and silently came; then, with a cheer, charged and captured the unwieldy trophy of their valour. I must reiterate my obligations to officers commanding, &c., and to Major Stirling, who was slightly wounded."

Some hurry in a telegraphic despatch and a feeling of partiality to a son who had thus escaped a great danger was very natural, but it was certain that Sir Henry Havelock could not wish to cause the slightest uneasiness or doubt as to the manner in which the commanding officer of the 64th had done his duty at the battle of Cawnpore.

[*Second Night.*

BANK ACTS COMMITTEE.

THE CHANCELLOR OF THE EXCHEQUER moved that Mr. Ball and Mr. Tite be added to this Committee.

Motion *agreed to.*

PROCEEDINGS IN COMMITTEE OF SUPPLY—RESOLUTIONS.

THE CHANCELLOR OF THE EXCHEQUER moved the following Resolutions:—

"1. That when a Motion is made in Committee of Supply to omit or reduce any item of a vote, a Question shall be proposed from the Chair for omitting or reducing such item accordingly; and Members shall speak to such Question only, until it has been disposed of.

"2. That when several Motions are offered they shall be taken in the order in which the items to which they relate appear in the printed Estimates.

"3. That after a Question has been proposed from the Chair for omitting or reducing any item, no Motion shall be made or Debate allowed upon any preceding item.

"4. That where it has been proposed to omit or reduce items in a Vote, the Question shall be afterwards put upon the original Vote, or upon the reduced Vote, as the case may be, without Amendment [or Debate]."

MR. HENLEY said, he thought that the Resolutions proposed, especially the fourth, would require consideration, if not alteration.

THE CHANCELLOR OF THE EXCHEQUER said, he would not object to postpone the consideration of the Resolutions, if the House desired it.

The first three Resolutions were *put* and *agreed to*, without discussion.

The fourth Resolution was *agreed to* after some conversation, the words "or debate" being struck out.

House adjourned at a quarter before Two o'clock.

HOUSE OF COMMONS,

Wednesday, February, 10, 1858.

MINUTES.] PUBLIC BILLS.—1° Ecclesiastical Residences (Ireland); Churches, &c., (Ireland). 2° Oaths.

MAIL PACKET SERVICE TO AUSTRALIA.

QUESTION.

MR. MACARTNEY begged to ask the Secretary to the Treasury, Whether the Contract entered into in July, 1856, with the European and Australian Mail Company has been cancelled or determined; and, if so, what arrangements have been made to secure the maintenance of the Postal Communication with the Australian Colonies for the future? Also, Whether any extension of time of the existing Contract with the Royal Mail Steampacket Company, which expires in 1862, has been granted, and for what period?

MR. WILSON said, he was not aware that any application whatever had been made for cancelling the contract to which the first part of the hon. Gentleman's question referred, and of course the arrangements under that contract continued in force. With regard to the second part of the question, there had been an extension of time given to the Royal Mail Steampacket Company for two years. In August last a letter was received by the Treasury from the Admiralty, enclosing an application from that company for the prolongation of their existing contract, based in some measure upon their amalgamation with the Australian Mail Company. The Treasury replied that they regarded the two contracts as entirely distinct, and could not consent to an extension for such a consideration. Upon that ground, therefore, the application was refused. But some months before there had been a correspondence upon the subject of the inefficiency of the service between Rio Janeiro and Buenos Ayres, and the Treasury took the opportunity of saying that if the Royal Mail Packet Company were prepared to put on a larger class of vessels than they were compelled to send under the existing contract the Treasury would, in consideration of that improvement, extend the contract two years further, and upon that condition the contract had been extended.

MR. MACARTNEY asked whether there would be any objection to lay upon the table the papers connected with the application?

MR. WILSON said, that if the hon. Gentleman would give notice of what papers he required there would be no objection to their production.

OATHS BILL.

SECOND READING.

Order of the Day for the Second Reading read.

LORD JOHN RUSSELL moved that the Bill be now read a Second Time.

SIR F. THESIGER: Sir, it is not my intention to offer any opposition to the second reading of this Bill; but I think it

necessary to state the reasons why I adopt that course lest I should be subject to misconstruction. The Bill which the noble Lord has introduced is avowedly intended to admit the Jews to seats in Parliament, and if I were to allow it to be read a second time without remark it might be supposed that I had abandoned the principle for which I have so long and earnestly contended. It is necessary to understand the nature and character of the Bill to appreciate the motives by which I am actuated on this occasion. The Bill does not, like some former Bills, introduce a form of oath to be indifferently taken by all the Members of this House. To that I entertain the most decided objection. But the noble Lord proposes to amend the oaths of allegiance, of supremacy, and of abjuration, by introducing one form of oath to be taken by the Christian Members of the Legislature, and he also introduces a provision which is especially applicable to the case of the Jews. Now, let me recall to the House that I have invariably been an earnest advocate of a change in the form of the oath of abjuration. I have all along felt that there are parts of that oath which have become obsolete, and to which, therefore, objections might fairly be taken; and I have, therefore, myself, at different times, endeavoured to introduce amendments into the oath. If, therefore, I were to oppose the second reading of this Bill, I should be endeavouring to prevent an alteration in the oath which I think has become obviously necessary. The form of the alteration suggested by the noble Lord is one which I entirely approve. As he has preserved the important and necessary words, "on the true faith of a Christian," it has my entire and hearty assent. I should, therefore, be glad to see our oaths modified and altered in the way proposed by the noble Lord; and if opposition were to be offered, either by myself or others, to the Bill, and if that opposition were successful, to that extent I should be defeating my own object. The noble Lord has brought forward the measure in the most fair and proper manner to raise the very important question of the admission of the Jews to Parliament, which has been so often discussed, and which must be decided. He has made the case of the Jews a special case. He proposes to introduce a special clause, so that a Jew may take the oath without the words "on the true faith of a Christian." That raises the question on the most distinct ground, in the manner in which I think it ought to be raised; and, therefore, with the perfect understanding that I adhere to the principle for which I have all along contended, that the Christian character of this House ought to be preserved, I feel that I can contend for that principle more fully, and certainly on better grounds, if I confine the contest to that peculiar provision which relates to the Jews alone. I agree, therefore, to the second reading upon the understanding that I concur in the proposition to alter the Christian oaths. I am glad to find that my noble Friend now adheres to the words on which from circumstances I set a high value; and in Committee either myself or some others who agree with me will move the omission of that clause which relates to the Jews, and will thus raise the question distinctly and fairly for the consideration of the House. I think it right to make this statement lest I should be misunderstood in not opposing the second reading.

MR. HASSARD wished the noble Lord would leave out that portion of the oath which he seemed inclined to retain,—

> "That no prince, person, prelate, state, or potentate, hath or ought to have any jurisdiction or authority, directly or indirectly, within this realm."

To a Protestant this declaration was merely superfluous; but, in addition, it related to matters which at best were beyond their knowledge. But the strong objection he had to it was, that in its ordinary meaning it was contrary to facts. That might appear a strong statement to make to those who lived on this side the Channel; but in Ireland the evidence of it met them every day, and almost every hour. The Pope did exercise ecclesiastical jurisdiction in Ireland, and the Roman Catholic Bishops were now nominated directly by the Pope; the shadow of nomination by the clergy, which used to exist was now set aside, and the Pope appointed his own nominee over their heads. He might also refer to the published declarations of the hierarchy, who objected to the Queen's Colleges in Ireland, on the ground that their statutes had not been approved of by the Pope. Who submitted those statutes to the Pope was another matter. But with these facts before their eyes it was a serious consideration to require Protestants to declare that no foreign potentate had ecclesiastical jurisdiction in the realm. They were not framing an oath at present merely for the Members of that House, but for all

servants of the Crown. He would, therefore, ask the noble Lord to expunge from the oath the words to which he had referred, and not to ask any class of Her Majesty's subjects to make assertions contrary to their conscientious belief.

MR. NAPIER said, he did not think it was competent for any Member to put his own private construction on the oath proposed. It must be taken *secundum sensum imponentis*, without any peculiar interpretation to suit the views of those who took it. If the measure was really one for the relief of the Jews, he would admit that it raised that important question in the least objectionable form. He had only to suggest that the word "subscribe" should be inserted in the fifth section, so that it might apply not only to the taking, but also to the subscribing of the oath. It would also raise the distinct question whether, according to the constitution, persons should be admitted into that House who did not profess the Christian faith. As to what his hon. Friend behind him had said on the oath of supremacy he thought that his hon. Friend forgot that the law of the land did not recognize the jurisdiction of the Pope in any matter temporal or ecclesiastical in this country, and the words were the same as were required to be taken in the time of Elizabeth, and were preserved in Lord Plunket's first Relief Bill. They simply denied that any foreign prince or potentate had any authority spiritual or temporal which was enforceable by law. The course pointed out by the right hon. Gentleman the Member for Stamford was the proper course, and he hoped that in Committee the sense of the House would be fairly taken on the fifth section.

MR. AYRTON thought that the measure had been introduced in its present shape in deference to the prejudices of the hon. Gentleman on the other side. He admitted that the Bill, if passed, would accomplish its main object, but he thought it would be very much improved by the omission of that part of it which perpetuated the prejudices of a by-gone age. When this oath was first imposed it was strictly true, and no Protestant could object to swear to all it contained; but now it was impossible for any one to take the oath of supremacy without some mental reservation, for it stated that which was not the fact; and he regretted that a form of oath should be continued which was open to such an objection. What man could assert that no foreign prince, power, or potentate had any power or jurisdiction within this realm, knowing that the Pope was the head of the Roman Catholic Church, and that every Roman Catholic in this country acknowledged his authority and felt bound to obey his mandates. The Queen was not the head of the English Church in the same sense as the Pope was the head of the Church of Rome. He was glad that the noble Lord had brought forward the Jewish question in a shape the least objectionable to the House. He hoped hon. Gentlemen opposite had become sufficiently enlightened not to oppose the measure. Though a small, they were a persevering minority, and might be relying on the rejection of the measure in another place. He hoped, however, that the Bill would pass that House with such a majority as would satisfy all persons that the small section who opposed it were in doing so acting contrary to the enlightend public opinion of the nation.

MR. COLLINS regretted very much the imperfect form in which this Bill was brought forward, and that, while altering one set of oaths, it left on the statute-book all the invidious distinctions which were contained in the other oaths. He hoped that, when the Bill got into Committee, some hon. Member would move to insert a form of oath which might be taken by all Members without distinction.

MR. BAGWELL denied that any person had the right of taking the oath with a mental reservation. It must be taken in its plain sense; and nothing could be more contrary to the fact than to say that no foreign prince had any power or jurisdiction in this country. Such a jurisdiction was acknowledged by the law of the land; for, if a Roman Catholic clergyman were to recant, and become a member of the Established Church, he would not have to go to any Bishop for re-ordination, but would become a Protestant clergyman by right of the ordination which he had received from the Pope. He very much regretted that the noble Lord had not introduced a form of oath which would make all Members equal, and which could be taken by all without distinction. He hoped the noble Lord would feel the necessity of taking that course, and so putting an end to this great subject of difference and controversy.

LORD JOHN RUSSELL: I must certainly disclaim all the credit which has been attributed to me by the hon. and

learned Members opposite for the form of oath in this Bill; for, if my own wishes were to have effect, I should like to see one form of oath adopted for Protestants and Roman Catholics. I have never concealed this wish, nor have I refrained from acting upon it; for, in 1854, I introduced a Bill to this effect; but, unfortunately, the Protestant jealousy was so strong, that it was rejected by this House on the second reading. For my own part, I am afraid the time is still distant when we shall all agree upon this point; therefore, I have endeavoured in this Bill only to do that which I thought was practicable, and which I knew would be useful to the country. I must leave to others to attempt, perhaps some years hence, to do that which has been pointed at by the hon. Member who has just sat down. With regard, however, to the words of this oath which an hon. Member has wished me to omit, I must say that I do not see any difficulty in a Protestant declaring that no foreign prince, potentate, or power, has or ought to have any power or jurisdiction, spiritual or temporal, in these realms. I make no reservation when I take that oath. I accept the words as implying the denial, not of any mental influence, but of any authority capable of being enforced in any of our courts. I take them as meaning that the Queen is the supreme head of this nation, and that no laws can be allowed to have any authority in this country, other than the laws to which the Queen and her Parliament have assented. That seems to me to be the plain sense of the oath. For instance, suppose the Pope were to issue orders with regard to the approaching Lent, directing that certain fast-days should be kept. Roman Catholics might be bound by these orders, and the fast-days might be observed accordingly; but if anybody were to point out some person who had not observed it, he could not go into any court and obtain the enforcement of that decree. Therefore, though there may be an authority over the minds of certain persons, there is not that spiritual power or jurisdiction exercised within this realm, the existence of which we deny in the oath in question. If we were to examine critically every proceeding which takes place, I am not sure that the oath now taken by the Roman Catholics, denying the existence of the civil or temporal jurisdiction of any foreign Power in this country, would not be open to cavils quite as good as are made against this oath. Take the case of consuls—the Dutch consul, for instance, or the American consul, at Liverpool or any other port. They are nominated by foreign States—they exercise power in this country—they issue certificates, on which certain acts are done here; and it might be said that, so far, authority was exercised in this country by the King of Holland or the President of the United States. It would be a trifling cavil, I admit; but it would be quite as good as many which are made against the oath with regard to spiritual jurisdiction. Although, certainly, I should wish to see one comprehensive oath introduced, I should not wish to see words inserted into it which Protestants could not safely take; and I do think that the words of the oath at present taken by them are words to the meaning of which Protestants can safely agree. They have been defended in the House of Lords, by Lord Grenville and other high authorities, as words plainly conveying the meaning which they were intended to bear, and which might safely be taken by Protestants. These questions, however, are more fitted for the Committee than this present stage, and I hope that any further debate upon them may be reserved for that occasion. With regard to the wish expressed by the hon. Member for a uniform oath, my own opinion is that the time has not come when such an oath could be established. With regard to the Bill itself, I think it will be a very useful one, both as a measure of justice and of relief.

MR. M'MAHON regretted that the noble Lord had not proposed an uniform oath in his Bill, and should have retained words which were, at the least, untrue. It was quite certain that the Pope of Rome had a great deal of spiritual authority within this realm; and when the Bill for establishing diplomatic relations with Rome was brought in, it was at once allowed that the Pope had in this country authority, civil and spiritual, over at least a third of the inhabitants of the country. The proposition made last year by the hon. and learned Member for Sheffield (Mr. Roebuck), that the words "hath not by law" should be omitted, had been rejected by a large majority; and the House insisted on Protestants going on swearing what was not the fact. The phraseology retained in the Roman Catholic oath was most insulting to Catholics,—implying, as it did, that they held the atrocious doctrines against which they were obliged to swear. Every form of oath, except that of allegiance,

ought to be abolished. It was unworthy of the noble Lord to say that the time had not yet come to abolish the distinction. If there were a Motion for the rejection of the Bill on the second reading, he would support such a Motion, because the Bill fastened on Roman Catholics odious imputations, and implied that they were capable of conspiring to depose and murder their Sovereign. He had always voted for the admission of Jews into Parliament, but he objected to the present Bill.

Mr. WALPOLE: Sir, as the discussion has had reference rather to alterations in the clauses of the Bill than to its principle, it ought rather to take place in Committee. Nevertheless, I wish to make one or two observations on points alluded to in the course of it. Sir, the Bill before the House is well defined by its title. It is a Bill for the substitution of one oath for the oaths of allegiance, supremacy, and abjuration, and for what is called the relief of Her Majesty's subjects professing the Jewish religion. These are two distinct propositions. I have always been of opinion—and I have always expressed that opinion—since the first commencement of these debates, that our form of oath is entirely inapplicable to the present time, that it is a cumbrous form of oath, and that portions of it have really no bearing upon the circumstances by which we are surrounded. If the oath is to be taken at all, it ought to be taken in the most solemn form; and brevity, in my opinion, is a great part of that solemnity. If the Bill were a Bill simply to improve the law in this respect, nobody would entertain any objection to it, though the mode of alteration would be a legitimate subject for difference of opinion. Before going further, I wish to guard myself against being understood as giving any opinion now upon the second part of the Bill, which is for the relief of Her Majesty's subjects of the Jewish persuasion. When that question comes before us in Committee, I shall be prepared, if necessary, to state my reasons for holding that this is an inexpedient alteration of the law—not upon any ground of intolerance, for I think I can show that intolerance has really nothing to do with it. Having often stated my reasons upon this head, I shall be content to leave to others the general discussion of the question. I will proceed with a few observations on the form of the oath. The hon. and learned Gentleman who has just addressed us said, that he objected to the form of the oaths, partly because it is useless, partly because it is offensive to Roman Catholics, and partly because it affirms a proposition that is not true; and he said that the oath of allegiance was sufficient. But, in my opinion, there are reasons why we should retain the principles of the oaths that have hitherto been taken. One of the characteristics of the free legislation of this country is to deal with matters as they rise. If we find anything which is an aggression upon our law, or a detriment to the subjects of the Crown, we not only remove such grievance and abuse of our legislation, but often record our opinions, and wisely so, in our declarations. The reason why I think it is not useless to have oaths beyond that of the oath of allegiance is, that since it was found by experience that the oath of allegiance was not sufficient to protect us in former times from aggressions upon our liberties and constitution, we are bound to protect our liberties and constitution by an oath which shall contain the principles of the oaths which we had to impose in former times, in addition to the oath of allegiance. I have before said, and have never been answered, nor do I think I ever can be, that there are three principles in these three oaths which you now intend to embody in one form. The first is the oath of allegiance. It simply says that you owe allegiance to Her Majesty, her heirs and successors. When it was found that that oath was not sufficient, that persons who were ready to take that oath advocated claims opposed to the free principles of our constitution, and that they attempted to introduce certain matters to which we could never assent—such as the exercise of a jurisdiction by a power other than that which is supreme in this country—we not merely legislated upon the subject, but embodied the principle of that new Act in a new oath. The principle of the oath of allegiance, then, is not only a principle of allegiance, but also of undivided allegiance to the Sovereign, and that principle you ought to maintain. Next, when you come to the oath of abjuration you find that these claims to sit upon the throne of this country were set up on behalf of a particular family that had once sat thereon, but had forfeited the right to do so. A third oath was consequently imposed, declaring that undivided allegiance ought to be given to the Sovereign and her heirs in a particular line of succession defined by Act of Parliament. I hope, therefore, that the House

will never consent to an alteration of the three principles contained in these three oaths. It appears to me that those who advocate such a course must forget the attempts which were made in former times upon our liberty and constitution. Those principles are retained in the Bill of the noble Lord, and I shall give it my most hearty support. But it is said that certain passages in these oaths are offensive to the Roman Catholics. I hope that nothing which I may say will rake up the differences which in former times existed between Roman Catholics and Protestants. I say that sincerely. I remember that there is a beautiful passage in one of Burke's speeches to the effect, that as upon the spot where once volcanoes existed, but have burnt out, every fruit of the earth may be grown, so when religious differences and animosities have ceased to exist every laudable work has an opportunity of prospering. From the bottom of my heart I say, since the differences between Protestants and Roman Catholics have been settled, let them remain settled. The person who moves the first stone of that settlement will revive those differences. The particular form of the oath to which the hon. and learned Gentleman (Mr. M'Mahon) has objected is, I may remind him, the only condition upon which Roman Catholics are admitted to a seat in Parliament. That condition was accepted by the representatives of the Roman Catholic body as a reasonable settlement of the question. No Roman Catholic, therefore, need feel that there is anything offensive in retaining that form of the oath. I now come to the last point,—namely, whether the oath contains, as represented by my hon. and learned Friend the Member for Sheffield, a falsehood. He has asserted that by the oath we falsely declare that the Pope hath not jurisdiction, power, or authority in this realm—that that declaration is not strictly true. Now upon that point I may in the first place observe, that as that declaration is contained in the oath taken by Protestants only, it is one of which Roman Catholics cannot reasonably complain. The grievance, if it exists, is one to which Protestants, and Protestants only, are subjected. Let no Roman Catholic, then, suppose that in what I am about to say I am arguing at all against him. Give me leave to ask my hon. and learned Friend the Member for Sheffield whether he seriously thinks that when he took the oath he made an untrue declaration? [Mr. ROEBUCK: "Hear, hear!"] My hon. and learned Friend is a constitutional lawyer of considerable repute. He is also a very shrewd man and a very able reasoner. Now, what do you mean when you solemnly aver that no foreign prince, prelate, or potentate hath any jurisdiction, power, pre-eminence, ecclesiastical or spiritual, in the United Kingdom? These words, which have been in our statute book during the last 300 years, must have a legal meaning. Has everybody who has taken the oath during that period sworn a falsehood? Have all the great constitutional lawyers of both Houses of Parliament during the last three centuries done so? If they have, it would be one of the severest reflections upon my fellow-countrymen that I ever heard. I believe that the history of the origin of the oath clearly shows that no such charge can be maintained. The oath was first framed at the commencement of the reign of Queen Elizabeth for the purpose of defining the prerogative of the Sovereign of these Islands in spiritual matters and excluding any foreign potentate from a share in the prerogative. By an Act passed in the fifth year of Elizabeth it is declared that the oath of supremacy shall be taken and expounded in such form as is set forth in the Royal injunctions, which declared that the Queen's Majesty hath chief power in this realm of England, over her dominions, as well as the chief authority in all matters, whether ecclesiastical or civil, which were not, and ought not to be, subject to any foreign jurisdiction. The whole turned upon this, whether during the last years any foreign prince, prelate, or potentate had in this realm exercised any jurisdiction which could be enforced in our courts of law. If you want to alter the oath under the pretence of saying that the courts of this realm are to recognize any jurisdiction, power, or authority other than that which is recognized by the laws of this land, say so at once, and we shall then know what you are driving at. The fact that the oath has been taken by Protestants during the last 300 years shows conclusively that the meaning put upon it by them was that no such foreign jurisdiction was recognized by our laws. The oath was no doubt some years ago objected to by two Protestant Peers, who thought that it contained a falsehood; but these Peers have been subsequently led to take a different view of the subject, and have felt themselves justified in taking the oath. I had not intended

before coming down to the House to have taken any part in that discussion; but have thought it my duty to show that the allegation that the words of the oath are untrue is utterly unfounded, and thus to repel a charge which, if it could be substantiated, might justly be considered a grievous scandal to the English name. I shall support the Bill, because while it is an improvement it will not disturb those great principles which were secured to us by our ancestors.

MR. ROEBUCK said, he could not help differing from the right hon. Gentleman who had just addressed the House, with respect to the meaning and truth of those words in the oath taken by Protestants to which he had referred. He thought, indeed, he must have confounded the Queen of England with the Pope of Rome. The Pope of Rome before the Reformation had both temporal and spiritual power in this realm. That power was then done away with in England, and in the place of the Pope was substituted the Sovereign of England. Our forefathers, in order to guard themselves against the consequences of that substitution, said, "Mind, we do not confer upon the Sovereign of England all the power formerly exercised by the Pope. We circumscribe the power of the Sovereign by the canons." The words of the oath, however, applied to the Pope of Rome. Let them have no quibbling about the matter. It was not by lawyers such as the right hon. Gentleman that the oath was to be taken, but by every man whom a constituency might send to that House as its representative. By the oath they had to declare that no foreign prince, person, prelate, state, or potentate (which words were used expressly to include the Pope of Rome) hath, nor ought to have, any jurisdiction (which was a legal term), power (which was a large, but not a legal term, and meant any dominion over mind or body), superiority, pre-eminence, or authority in this realm. Now, was that true? He maintained that it was not. His right hon. Friend had attempted to argue that the fact of men in this country having taken that oath for the last 300 years proved that the oath was taken in a sense which he himself had attributed to it. But the fact proved nothing of the sort—it only proved how unwise was the legislation which forced men into a false position. Those men had by the legislation of the country been compelled to take the oath. And we could not flatter ourselves that they had taken the oath in its plain natural meaning, and not with a mental reservation. The oath was framed at a time when it was desired to exclude Roman Catholics from Parliament and public offices, and it contained a substantial truth, but that truth had disappeared since Roman Catholics had been admitted to a seat in the Legislature. When the oath was framed it was a penal offence to be a Roman Catholic. Why, then, should an oath which was framed for the purpose of excluding Roman Catholics from Parliament be retained and imposed upon every Protestant Member at a time when Roman Catholics were admitted to seats in the Legislature? Did Protestants, when taking the oath in these days, mean that the Pope should not exercise any spiritual authority in this country? But the Pope did here exercise that authority. [Mr. WALPOLE intimated dissent.] It was all very well for the right hon. Gentleman to shake his head; but words ought to be taken in their plain natural meaning, and did any Protestant really believe that he was telling the truth when he declared with the solemnity of an oath that the Pope did not exercise any power in this realm? No Roman Catholic bishop was appointed in this country without the sanction of the Pope. When the noble Lord the Member for London brought in that celebrated Bill against the assumption in this country of ecclesiastical titles by Roman Catholics he (Mr. Roebuck) opposed him. He stated that Act would be a dead letter. Had it not proved itself to be so? Were there not at this moment Roman Catholic bishops in Ireland who openly and avowedly assumed ecclesiastical titles, and who defied the Government to prevent them from doing so? Was there not actually a Cardinal appointed by the Pope exercising spiritual authority in England? And yet the House had been told that the Pope did not exercise spiritual authority in this realm. It might be said that it was very lamentable that Protestants had been obliged to take an oath containing the falsehood that the Pope did not exercise such authority; and so he himself thought. But he also thought that it would have been still more lamentable if Protestants had refused to take that oath. He was not to be frightened by the solemnity of tone assumed by the righ hon. Gentleman. Not a bit of it. It was a fact that they had taken the oath, and that the oath was untrue. It was not the

Mr. Walpole

first time that he had asserted that in that House, and he suspected it would not be the last. An hon. and learned Gentleman on the opposite side of the House had suggested that the Bill should be opposed, not only because it would impose a false oath, but would also be a fresh insult to the Roman Catholics. This Bill, however, would not at all alter the oath with regard to them, while it would do a great act of justice to a portion of our fellow-subjects. Taken as a whole, it would, he believed, ameliorate the condition of the law of England. Would the House at once throw it out because it would not accomplish all that they desired? At the right time he should move that the words "civil or temporal" should be substituted in the oath for "ecclesiastical or spiritual." The great recommendation of the Bill was, that it would relieve the Jews from that exclusion under which they had so long suffered; and he would proceed to state very shortly when he supported a proposal for accomplishing that object. Why, he would ask, should the Jew be excluded from Parliament? Was it because he differed from the rest of his fellow-countrymen in religion? If that were a good reason for his exclusion, Protestants ought to exclude Roman Catholics, and Roman Catholics ought to exclude Protestants. But they had learned from experience that that was an unwise mode of proceeding in case of different Christian sects. And why, then, should it be wise in the case of the Jews? Was there anything in the mental character of the Jew which ought to exclude him from a seat in that House. He (Mr. Roebuck) could understand that religious differences might be used as a ground of exclusion in the case of people whose religious belief unfitted them for the society of their fellow men; and he should on that account be prepared to exclude Mormons from seats in the Legislature. But could Christians who adopted the Bible as the groundwork of their faith extend to the Jews that principle? A Jew did not believe all that a Christian believed, but all that he believed was believed by the Christian; and there was nothing therefore in his faith which ought to subject him to a civil disability. The Jews were admitted to our houses and to our boards, and we even intermarried with them; and there could, therefore, be no reasons why they should be treated as objects of hostility. It was only by a prejudice that they were so treated; and he (Mr. Roebuck) wished that the hon. and learned Gentleman who had given notice of his intention to oppose the clause which would admit the Jews to Parliament would descend into the depth of his own mind and ask himself whether his opposition to the admission of the Jews to Parliament was not a mere prejudice. How few out of every million of men had a reason for the faith that was in them! The vast majority were the mere sport of chance, and the religion in which they believed was the religion in which they were educated. There were but very few people who came to a conclusion in that matter from real consideration. The Jew was born to his faith, and so was the Christian; the Roman Catholic was born to his faith, and so was the Protestant; and he did not think there was one man in a million of the professors of any creed who could say that he had carefully instructed himself in the grounds of his belief and that he believed merely because he had satisfied his reasons. He thanked the noble Lord for having introduced that Bill, which, if adapted, would remove the last rag of intolerance that disgraced our statute-book. He believed there were men who would sincerely oppose the measure; and it might not pass into a law this year; but as surely as the sun would rise tomorrow, this nation would live to see the time when the Jews would be allowed to sit in the British Legislature, when all these forms for securing the exclusion of men on account of their religious belief, and which we ought to regard with feelings of indignation and humiliation, would be done away with, and when we should really be what we profess to be, Christians at heart.

MR. NEWDEGATE: Mr. Speaker, I must say I have heard with great regret the speech of the hon. and learned Member for Sheffield (Mr. Roebuck.) I perfectly grant, however, that he is most consistent in the course he takes, entertaining the peculiar views he does and stating that religious faith exercises no influence over the conduct of men.

MR. ROEBUCK: I beg that I may not be misrepresented. I should be a fool indeed to suppose that religion has no influence over a man's actions.

MR. NEWDEGATE: The hon. and learned Gentleman stated, that there were very few persons who were so convinced of the truth of their religion as to be influenced by it in their conduct. Now I cannot understand the meaning of that proposition, if it do not convey a distinct denial of the

power of religion over the mind of man, and through the mind of man over his actions. ["Hear!" and "No!"] If that doctrine be true then, I readily acknowledge that we, who are defending the Christian character of our Constitution as best calculated to command the reverence and secure the welfare and freedom of the people of this country, are defending a shadow. If Christianity exercises no power over the great mass of the population, if it does not influence their minds and their conduct, this house misrepresents them by retaining the profession of Christianity as a qualification for admission to a seat within its walls. The profession of Christianity is an acknowledgment of that code of morality which each Christian, of the few whom the hon. and learned Member for Sheffield supposes to be sincere, accepts as his guide. The hon. and learned Member said that he believed there were very few persons of any creed who had an intelligent perception of their faith, or were actuated by that faith in the conduct of their lives.

MR. ROEBUCK: No, Sir; I never said anything of the sort. That only shows how necessary it is that Gentlemen should keep their ears open. What I said was this—that of the large mass of mankind a very few only had a reason for the faith that was in them. I never said a word about the influence of their faith upon their actions. I said that men came to their belief because they were born in it; that because a man was born a Protestant he grew up to be a Protestant; that because he was born a Jew he grew up to be a Jew. I never said, and I should have been a madman to say, that religion had no influence on the conduct of men.

MR. NEWDEGATE: Then I am to understand that what the hon. and learned Member intended to convey is, that religion, with the great mass of mankind, is an hereditary prejudice.

MR. ROEBUCK: I did not say "prejudice."

MR. NEWDEGATE: Then I beg the hon. and learned Member's pardon. He certainly conveyed to my mind that it is an hereditary faith—a faith without reason —[MR. ROEBUCK: "Hear!"]—and that therefore all those who profess themselves Christians, with the exception of a very small minority, are cheated by what he must forgive me for saying he describes as a prejudice. [MR. ROEBUCK: "Hear, hear!"] I think I have now come to an understanding with the hon. and learned Member; and I wish to come to an understanding, because I say that he is perfectly consistent, entertaining that view of the feeble hold which religion—which Christianity—has upon the reason of man; I say he is perfectly consistent.

MR. ROEBUCK: I see it is very difficult to make the hon. Gentleman understand; but I never said that religion has no influence upon men's actions. I said they come to their belief very seldom upon reasoning, and that I reiterate; and if the hon. Gentleman cannot understand the difference, I pity him, but I cannot enlighten him.

MR. NEWDEGATE: The hon. and learned Gentleman has not in the least disturbed the proposition which I hold. He says, that the great mass of Christians are not Christians by the action of their reason, but because they have inherited their faith. That is his proposition. Then, I say, that he is perfectly consistent in supporting the exclusion of the recognition of Christianity from the constitution of a deliberative and legislative assembly like this; and I think that he only is consistent in objecting to the recognition of religion in our deliberations. I have heard the able defence which has been made by the right hon. Gentleman, the Member for the University of Dublin, of the Protestant safeguards of our constitution. I have heard the able speech which has been made by the right hon. Gentleman the Member for the University of Cambridge, in favour of the retention and maintenance of those safeguards. And I know that the retention of those safeguards is consistent with what the hon. Member for the Tower Hamlets (Mr. Ayrton) has been pleased to call the prejudices of the Protestant Christians of this country. I know that well. But I feel this, that if we are to resign the Christian character of the Legislature, it is vain and idle to attempt to defend the Protestant outworks of the constitution. I feel that the noble Lord opposite, when in 1854 he proposed to act in a manner agreeably to the views of the hon. and learned Member for Sheffield, and strike out the words in the oath, which recognize our faith in Christ, acted consistently. But the hon. and learned Member must forgive me for reminding him that he then voted for the exclusion of the words which would restrain the temporal and civil authority of a foreign potentate.

MR. ROEBUCK: I beg pardon again. I moved, as an Amendment, that for the

words "spiritual and ecclesiastical," the words "civil and temporal" should be substituted.

MR. NEWDEGATE: I was not about to deny that the hon. and learned Member did so; because, in 1854, he did vote for the exclusion of those very words from the Bill proposed by the noble Lord the Member for London, at that time Home Secretary. It is something that the hon. and learned Member should have repented to that extent.

MR. ROEBUCK: I do not repent.

MR. NEWDEGATE: The hon. and learned Member proposes to reinsert the words.

MR. ROEBUCK: No; I don't.

MR. NEWDEGATE: He proposes that we should now adopt or retain those words for the exclusion of which he voted before.

MR. ROEBUCK: I beg pardon; I never voted.

Mr. NEWDEGATE: The hon. and learned Member must forgive me. I followed him in the debate upon a Bill which proposed to exclude those very words. [Mr. ROEBUCK: No!]

LORD JOHN RUSSELL: Upon the second reading.

MR. NEWDEGATE: Yes; upon the second reading. I was about to say, that if you are going to invalidate the Christian securities, the Christian sanctity, the profession and acceptance of Christianity as the guiding rule of your legislation; if you are going to repudiate Christianity as the basis upon which you are to amend the laws which are already founded upon Christianity, Protestantism will be given up in all senses in your legislation, for Protestantism is simply this—Christianity purified from the corruptions and errors of the Church of Rome. I believe that no intelligent Protestant, after the statement of the noble Lord to-day, and after his repeated statements in this House, can expect to see one Protestant security, one Protestant form, one Protestant guarantee retained, if you give up the Christian character of this House. I myself at once accept the condemnation of a Protestantism that is not Christian; and I say that, if you are about to strike down the Christian character of the House, the Roman Catholics have a just ground of complaint if you retain any restrictions whatever upon the propagation of their faith, or the intrusion of the authority of their Church. Sir, I should deprecate such intrusion. No man has struggled against it more constantly than I have myself, and I will continue to struggle against it. But I do so for what I believe to be a purer Christianity; and I say, that if you proceed upon another doctrine, if you merely object to the Pope's intrusion as a foreign Power, and do not deny his authority as the head of a religion, the Sovereign of the State of Rome is not a Power that it is worth our while to resist at the expense of so much labour, so much ill-feeling, and so much dissension, as undoubtedly it has hitherto cost us to maintain our Protestant freedom in this land. The noble Lord may tell me that he does not propose to strike out the words "upon the true faith of a Christian;" that what he proposes to do is, to admit the Jew under another form of oath, recognising his faith as an equal qualification for a seat in this House. Sir, I never can believe that the country will be satisfied with a state of things in which Judaism is to be placed upon a par with Christianity. Mr. Speaker, Judaism is not the religion of the Old Testament; it is the religion of the Talmud. It is the religion which our blessed Redeemer told the Jews of his time had made the law of the Old Testament of "none effect." The Jew is not merely the professor of the Old Testament; he is the recipient of a religion which condemned the blessed Author of our faith as an impostor, because he declared that Judaism was not the religion of the Old Testament (which indeed was in him fulfilled), but was the continuation of those traditions which made the law of God of none effect. That is what Judaism is; and it is the constant and lamentable adherence of the Jews, for 1,800 years, to the unhappy delusions of their forefathers which makes them participators in the greatest and most astounding crime that the world has ever known. If, then, you put that religion on a par with Christianity, which it condemns, you will offer such an insult to Christianity that it would be better that we should at once come to the point which the noble Lord is driving at, and which the hon. and learned Member for Sheffield is perfectly consistent in desiring, and sweep away all recognition of Christianity as forming a due qualification for a Member of the Legislature and an appropriate basis for our laws. I hope the House will excuse me for any display of earnestness on my part; but I speak the deep convictions of my mind. I like not quibbles; I am hopeless of defending outworks when the citadel is

gone; therefore, I rejoice to find—although hon. Members of this House have gone so far as to declare that they have the voice of the people with them, the willing consent of the peaceful, the quiet, the intelligent mass of the community, in this direct attack and innovation upon our laws, our constitution, and our faith—I rejoice in the evidence that the petitions which have been laid upon the table afford, that the public intelligence is not advanced to such a point of indifference as to desire that the Legislature and the State should be freed from the obligation of acting in the same sense and upon the same morality which guides the private actions of every Christian subject of Her Majesty. The hon. and learned Member for Sheffield will forgive me if I tell him that, lamenting as I do the opinions which he has enunciated upon this subject, I respect his anxiety to preserve England as the refuge of the exile—the sole remaining house of liberty in Europe. Nothing can be more graphic than his description, his eloquent description, of how England stands amongst the nations of the world. Will the House forgive me if I repeat his own words? The hon. and learned Member said, the other night:—

"The whole of Europe, with the very insignificant exception of Belgium and Sardinia, is at the present time subject to despotism. The only hope of Europe lies in these two islands of Great Britain and Ireland, in which freedom of language and freedom of action still exist." ["Order!"]

MR. SPEAKER interposed, and reminded the hon. Gentleman that he was not in order in quoting, from a newspaper, the speech of another Member, delivered in the same Session and referring to a totally different subject.

MR. NEWDEGATE: If, Sir, you deny me an indulgence which I have seen enjoyed by many hon. Members of this House, of course I bow to your decision. But you will allow me to call to the recollection of the House that they have recently heard, from the lips of the hon. and learned Member for Sheffield, eloquent words descriptive of the fact that England remains the centre of freedom, and that upon the freedom of England hangs the little of constitutional liberty which is enjoyed upon the Continent. They were words that will have sunk deep into the hearts of many. Well, what is the difference between the constitution of England and the constitutions of those Continental nations which afford so little freedom?—what is the difference? It is this: the constitutions of those countries are all based upon the Code Napoleon—every one of the countries to which the hon. and learned Member referred.

MR. BOWYER: Not Sardinia.

MR. NEWDEGATE: The hon. and learned Member for Sheffield himself excepted Sardinia. Well, the constitution of Sardinia is but a modification of the same code. But the difference between the Code Napoleon and the constitution of England is this—that the Code Napoleon is based upon the doctrines of the First French Revolution, whilst the constitution of England is based upon Christianity. Herein rests the great difference between them. The hon. and learned Member for Sheffield laments that the constitutions which are based upon the Code Napoleon, have failed to secure freedom upon the Continent; and neither he nor any man laments it more than I do. But then I say it is the natural consequence of a constitution which is based upon the second commandment of that Code which was given by God for the Government of mankind, but ignores the first; whereas the constitution of England is based upon the First Commandment which God gave for the government of man and recognizes and includes the second. Sir, I earnestly trust that the House of Lords will persevere in their righteous defence of the Christian character of the State, because I am confident that if once this country departs from her Christian constitution thus agreeable to the form which God himself has pointed out for the government of men, her freedom will fall as has fallen the freedom of those nations which have based their liberties on the sandy foundation of the Code Napoleon. Sir, I lament to see the hon. and learned Member for Sheffield, and other men like him, labouring under the delusion that you can maintain the freedom of this country upon any other basis than that on which it has grown up. I repeat that I lament their being the victims of what I must call a delusion, thus proved delusive throughout the whole of civilized Europe. Sir, I will detain the House but a few moments longer. I fully accept the opinions of those who regard the concessions of the noble Lord as worthy of our consideration. I confess that I attach as little value or importance to them as the noble Lord himself; but I was unwilling to see the House plunged into a debate after the nature of

the Bill has been so well described by my hon. and learned Friend the Member for Stamford. I do not wish to force the House to a division now; but I do look forward to the time, when in Committee the issue may be fairly raised apart from all those minor considerations which have now encumbered our debate, and when we may appeal to the better feelings of those who are pursuing what they think to be a course of liberality, which may assure them that in attacking the religious convictions—the intelligent religious convictions and deep faith of the most intelligent portion of the community, they are pursuing a course of persecution utterly unworthy of the object which the noble Lord seeks to attain. The question thus stands before the country: shall a wealthy person—a wealthy Jew—who, by the command which he has over the constituency of London, and through the influence of his great wealth and foreign connections, has secured his election to a seat in this House, take that seat at the sacrifice of the constitution of this country, which has upheld its freedom for a thousand years, and is deeply endeared to the feelings of the most intelligent, the most loyal and the most truly religious portion of the community, with respect to whom, even if the hon. and learned Member for Sheffield will not admit that the rest of the community share their convictions, he must at least admit that they are safe guides for those whose intelligence in religion, the hon. and learned Member avows he holds in such light estimation. I will no longer interpose between the hon. and learned Member (Mr. Bowyer) and the house; but I would make one appeal to that hon. and learned Member as a Roman Catholic. If he conscientiously believes that the Church of Rome is a Christian Church and he reverences its Christianity, I entreat him not to join in trampling upon the forms of Christianity which others value, and thus show that his Church is so exclusive that she holds all to be infidels who are not within her pale.

MR. BLAND said, that he had always supported every Bill which had been introduced for the purpose of relieving Her Majesty's Jewish subjects from the disabilities which at present were imposed upon them; and, although in some respects he considered the present Bill objectionable, he should for the same reasons which had actuated him upon previous occasions, give it a hearty support. He wished, indeed, that the noble Lord had provided some one oath which could be taken without any mental reservation by all classes of Her Majesty's subjects; but, although the oath was not in that form, he did not think that was sufficient to induce him to oppose the Bill. As regarded the oath of supremacy, the hon. and learned Member for Sheffield had in broad terms stated that it was not true. Now, of course, the hon. and learned Gentleman did not mean that those persons who took it committed perjury, but that the expression that "no foreign prince or potentate hath, or ought to have, any authority, spiritual or ecclesiastical, within this realm" was not literally true, as in the case of Roman Catholics the Pope had authority ecclesiastical; and he for one would have preferred the introduction of some word which would have made that form of words strictly and literally true. He agreed, however, in the explanation that it was the legal, and not the actual power that was meant. As regarded the oath itself it was perfectly unnecessary in the case of a Protestant, for the substance matter of it was, in point of fact, an article of his creed, and it was surely absurd to make a Protestant swear over again to that which was an article of the very faith upon which he called himself a Protestant. Then, again, with regard to the oaths taken by Roman Catholics, he thought that as long as the oaths taken by other Members of that House remained unchanged the Roman Catholics had perhaps no reason to complain; but now, as the oaths taken by other Members were to be changed, and that which had become obsolete expunged, they might reasonably demand some alteration also in the oaths which they were called upon to take. As to the argument that to admit Jews into that House would unchristianize its character, it had been so frequently met and answered that he would not again refer to it; but he would only express a hope that, as the Bill was founded upon principles of religious toleration, it would receive the sanction of the House and be passed into law.

MR. BOWYER said, that before entering upon the merits of the Bill, he wished to say a few words upon the arguments which had sometimes been used with regard to what was called the Christian character of that House. It had been said that the House of Commons ought to be a Christian body; and so undoubtedly it would always be, even if Jews were admitted, for the great majority of the House would always be Christians. But it was said by some

that every Member of that House ought to be a Christian. Now, undoubtedly it was desirable that every Member of that House should be a Christian; it was desirable that every one of Her Majesty's subjects, or, indeed, that every one in the world should be a Christian; but such was the condition of the world, that the fact was that many of Her Majesty's subjects were not Christians: and then arose the question whether upon that account they were to be excluded from the management of civil affairs. Now, a man might be a very good Christian and a very bad Member of Parliament. What said a great Christian authority, St. Thomas Aquinas—about the qualifications of men?

> Si doctus est, doceat nos;
> Si sapiens est, gubernet nos;
> Si sanctus est, oret pro nobis.

Yet no doubt it was desirable that a Member of Parliament should be a Christian. But to adopt the principle that no one but a Christian should sit in that House led at once to a very considerable difficulty. Hon. Gentlemen who maintained that position were bound to show what a Christian was. What was a Christian? Some held that Unitarians were not Christians. Some persons held that all persons baptized were Christians; but were Gentlemen before taking their seats in that House to be bound to show that they had been baptized, or, still more, validly baptized? for on that point there might be great difference of opinion. One opinion was, that no one could be a Christian who was not in communion with the Church of Christ. Another was that no one was a Christian who did not believe in Christ. But then came the question, what was the true doctrine about our Lord? There hon. Members would differ considerably. There were certain sects which called themselves Christians who did not use the rite of baptism. What was to be decided in their case? There were even certain theologians—and theology was quite as difficult a study as law,—who would hold that the hon. Members for North Warwickshire were not Christians—and, on the other hand, some persons would say that he himself was an idolator. Again, who was to decide? In fact, if the principle were laid down that no one but a Christian ought to sit in that House, a world of difficulty would arise. The way to view the question was, to his mind, plain. England was a country in which there were many different religious persuasions, but the persons holding those different views all paid taxes. They all owed the same allegiance to the Crown, and in time of war they equally shed their blood for their country, and bore the burdens imposed on them by the law and constitution of the country; and on principles of common sense and justice they all had an equal right to participate in the government of their country. He came, now, to the merits of the Bill. Although he approved the principle of the Bill, he objected to the retention of the Roman Catholic oath. It was not his intention to press his views to a division, but he wished to state that the opposition of Roman Catholics to Bills of a similar character had not proceeded from illiberalty to the Jews, but because they objected to vote for the retention of an oath which they had submitted to because it was all they could get, but which they had never accepted. He begged the House to consider the circumstances under which the oath had been imposed on Roman Catholics. When the Emancipation Bill was passed there was not a single Roman Catholic in the House, and therefore they had no share in framing that measure—they could only submit to what was done, rather than remain subject to political disabilities. Now, however, they were asked by this Bill to reimpose an oath upon themselves, which hitherto they had only acquiesced in on compulsion, this was the effect of the 7th clause of the Bill. Another ground on which a Roman Catholic could not support this Bill was because it made him impose on another man what would be a sinful act if done by himself. A Roman Catholic believed the Pope to be the vicar of Christ, and that to deny his jurisdiction as such was something like blasphemy and sacrilege. Therefore, for him to join in compelling a Protestant to deny before God that any foreign Prelate had ecclesiastical or spiritual jurisdiction in this country would be analogous to the act of a Christian who should compel a Jew to call the Almighty to witness that he rejected our Lord and Saviour. Every Christian would revolt at any such proceeding. He doubted whether an oath was of any use whatever; because, if a Member of that House would not do his duty without taking an oath, he was not fit to be there at all. On the other hand, if a man were thoroughly unprincipled, he would take any oath, and an oath would afford no security against his misconduct. But if an oath was to be insisted upon it ought to be one to which nobody would object. Now, this Bill proposed to relieve Protestants from taking

an oath which contained many absurdities, and yet it required Roman Catholics to continue to swear to those absurdities. The House was not aware of the full absurdity of the Roman Catholic oath. It was intended to make Roman Catholics deny both the deposing power of the Pope and his power over temporal matters; but the oath which they took in reality denied neither. It did not deny the only power of the Pope over temporal things which the Church of Rome actually admitted. It was an outrage against any man to make him solemnly abjure the opinion that "Princes excommunicate or deprived by the Pope may be murdered by their subjects." As for the supposed opinion that princes excommunicated might be murdered, no recognized writer of the Church of Rome gave any warrant for so wicked and detestable a doctrine. Something had indeed been said with reference to this notion about Mariana and his famous work *De Rege*. But it should be remembered that that was not a theological, but a purely civil work, the question it dealt with being "whether people had the right to kill tyrants." The doctrine discussed was the doctrine of Brutus—the doctrine of tyrannicide; and Mariana treated it very much as Cicero or any other Pagan would have done. He would therefore pass to the part of the oath regarding the deposing power of the Pope. But, though the Catholic oath denied that princes excommunicated and deprived by the Pope might be deposed by their subjects, or any other person, it did not deny the deposing power of the Pope; but rather admitted that a prince may be deprived by the Pope, and, oddly enough, its effect would have been that if James II. had been so excommunicated he could not have been deposed by his subjects. The oath next denied that the Pope "hath or ought to have any temporal or civil jurisdiction in this realm." But no theologian of the slightest authority in the Church of Rome, and no canonist, ever asserted that the Pope has a temporal or civil jurisdiction beyond the limits of his own temporal dominions. The doctrine which the oath sought to deny, and which actually existed in the Church of Rome, was that the Pope has a spiritual authority over temporal things out of his dominions—an authority over temporal things, "in order to spirituals," as the old phrase ran. And indeed no Church could ever exist without some such power, for as a great canonist had justly said—the church on earth is composed not only of souls but of bodies also—which are temporal. But the Pope did not claim civil power out of his own dominions. An eminent canonist wrote thus:—

"Potestas politica ordinaria et directa, ac jurisdictio tam legislativa quam dominativa, est penes imperatorem et alios principes sæculares exclusive ad Papam. Ratio est quia Christus solum spiritualem jurisdictionem Petro et successoribus ejusdem tribuit, ut fere omnes colligunt ex verbis 'Tibi dabo claves regni cœlorum.'"—*Schmälzgrueber Jus. Eccl., vol. I.*

And in an other writer, after explaining the spiritual jurisdiction of the Pope came this passage:—

"Nec prætermittenda potestas temporalis sive politica quam habet in tota ditione ecclesiastica more principorum cæterorum."—*Devoti Inst., Canon, sec.* 21.

This showed that civil princes had political power exclusively, and that the power given by our Lord to St. Peter was spiritual, and not civil—though it extended to temporal things. And that power over temporal things—the oath did not deny. As for the supposed restrictions in the Roman Catholic oath they were absurdities, intended to satisfy Lord Eldon and other old women. A Roman Catholic Member of that House, he maintained, was quite as free to vote on any question that came before them as any Protestant Member; but as a matter of feeling it had been his individual practice to abstain from voting on any matter exclusively affecting the internal affairs of the Church of England. He wished that the hon. Member for North Warwickshire would do the same in regard to the college of Maynooth, which exclusively affected the Roman Catholics, and ought therefore to be left entirely to them to deal with. He opposed this Bill, then, because it left Roman Catholic Members under the necessity of taking an oath which was so highly objectionable, and because it called upon them for the first time to be parties to the imposition of that oath upon themselves, to which he could never consent. He would not now divide the House against the measure, but he reserved to himself the right of taking any course that he thought proper at its subsequent stages. The House had a mode of escaping from its difficulty independently of such a Bill. There was a broad and palpable distinction between the ceremonies and the form of the oath. All through the proceedings in the case of "Miller *v.* Salomons" the Judges treated

the "form" of the oath as the words of the oath. ["No."] Now, by 1 & 2 *Vict.* c. 105, persons were allowed to take oaths in the form and with the ceremonies most binding on their consciences, and after enumerating some of the cases in which that privilege might be exercised, the section finished with the words "and every other occasion." Surely those large words extended to the oaths taken in that House. The Act distinguished the ceremonies—kissing the old or new Testament and the like, from the form—that is to say the words of the oath, and provided that both should be such as were most binding on the recipients. He had felt it due to himself and to those who thought with him to state the grounds on which, in the difficult and anomalous position in which they were placed, they deemed themselves bound to act, and he had only now to thank the House for the patience with which it had listened to them.

Mr. MELLOR thought that there was a lamentable confusion of ideas in the arguments of the hon. and learned Member for Dundalk (Mr. Bowyer), both as regarded the case of "Miller *v.* Salomons" and the Act to which he had referred. The very contrary to that which the hon. and learned Member asserted was the fact in the case of "Miller *v.* Salomons." The Judges were generally of opinion that the words "On the true faith of a Christian" were part of the substance and not the mere form of the oath. The hon. and learned Gentleman, in referring to the Statute of 1 & 2 *Vict.*, c. 105, argued that the general words empowering the party to take the oath in the form most binding on his concience "or on any occasion whatever" would justify the Jew entering the House by declaring that the words which at present stood in his way were not binding on his conscience. Such a view of the case was wholly untenable. The hon. and learned Gentleman might as well have argued that the words in a statute against cruelty to animals, which prohibited any injury being done to "horse, cow, pig, sheep, or *other animal* whatever" could be taken to include a man. In no other legitimate way could a Jew be admitted to that House, but by the terms of a new enactment for the purpose. It was an entire mistake to say that this Bill re-enacted the existing restrictions upon Roman Catholics. It distinctly provided that nothing which it contained should be taken in the least to alter or affect the Act imposing the Roman Catholic oaths. He was surprised to hear the hon. and learned Member for Sheffield say that he as well as other Members had taken the present oath, though they did not believe all of it. He (Mr. Mellor) had taken the oath believing every word of it to be true. The plain and simple meaning of the oath was obvious. It was clear that it was never intended to deny that the Pope had a spiritual influence over Roman Catholics like that which the Wesleyan Conference exercised over the Methodist body. That was an influence entirely springing from the voluntary consent of the members of a religious community. The words of the oath had a distinct and definite meaning, and he believed them all to be perfectly true. He was quite sure that the hon. Member for Warwickshire (Mr. Newdegate), whose sincerity no man could admire more than he did, would agree with him in the opinion that religion, to be at all valuable, should be operative in a man's conduct. He wished, therefore, to point out to the House the strongest argument which he thought could be made in favour of the admission of the Jews. They had heard the declaration of the hon. and learned Member for Sheffield, that he and others had taken the oath though they did not believe it was all true. What, then, kept the Jew out of the House? Because it appeared that his conscience was more delicate, more nice and subtle on the point, for he could not repeat those words in the oath which he did not in his conscience believe to be true. That he (Mr. Mellor) asserted was the strongest reason why he should be admitted to Parliament, because it was thus evident that the fullest reliance might be placed upon his conscientious feelings.

Mr. SPOONER: Sir, When I came down to the House this morning I had not the smallest intention of saying one word upon the question before us, nor should I now say a word but that I have been appealed to in a peculiar manner by the hon. and learned Gentleman below me (Mr. Bowyer). Before I allude to what has fallen from the hon. Member for Dundalk, I hope the hon. and learned Gentleman opposite (Mr. Mellor) will allow me to reply to him. The hon. and learned Gentleman has just used the same argument in favour of the admission of Jews to this House as I once heard used by Mr. Canning in favour of the admission of Roman Catholics to Parliament—that men could not be

said to be regardless of a moral obligation who were excluded from Parliament solely by their respect for one. It was, no doubt, a most specious argument, which captivated and deceived a great many persons, amongst others myself. But what has happened since then has shown the great fallacy of it. Mr. Canning's argument was this—Why not admit the Roman Catholics to Parliament? Because you say they do not feel themselves bound by the legal obligation of a oath. What stops them from entering Parliament? Because they do admit the moral obligation of an oath. If then an oath stops them from entering Parliament, why can we not frame an oath which will direct and control their conduct when in Parliament? Now, I believe that it was not the oath that kept the Roman Catholics out of the House, but it was the fear of losing their caste amongst their own people; it was the apprehension of losing that moral character which they found it so essential to maintain, which made them refuse to take the oath that was required to be taken by all Members at that time. That was the real fact of the case. You will find that the same will be the case with the Jews, if you admit them into the House upon such an argument. No, Sir, what stops the Jew from taking the oath at the table of this House is this, he knows at once that by so doing he would be expelled from the whole assembly to which he belongs; he knows, then, that if he dared to take the oath he would be obliged to assume in some degree a Christian character in his capacity of a Member of a Christian legislature. I do not mean to say that by the admission of an individual Jew to this House any danger can arise to our Christian institutions. The danger does not arise in that quarter. But the danger arises to this House in giving up that which, under the blessing of Providence, this land has maintained for so many centuries, namely, the Christian character of its Legislature, the Christian assembly of a Christian people. By surrendering that character we shall be surrendering the only safeguard for the liberties of the people which are true and valuable to British hearts. We cannot at present anticipate the many fearful evils that would follow such a measure, but we must prevent them in the outset, as far as we are able. My hon. and learned Friend (Mr. Bowyer), said that there were certain theologians who would contend that neither myself nor my hon. colleague (Mr. Newdegate) were Christians. I do not know to whom the hon. Gentleman alluded, but he certainly will not lead me by such an observation into recrimination; I will not say that the hon. and learned Member and the other Members of his creed are not Christians. I say no such thing. I say they are Christians, but Christians under a great delusion, greatly deceived, and holding tenets which, if carried out, would be destructive of the Protestant constitution and of true religion in this country, and likewise most dangerous to the liberty and freedom of the people. Show me a Roman Catholic country, and I will show you a tyrannical despotism. Show me a Protestant country, and you will find there established the liberty of the subject and the full right of every one to profess any mode of worship they think fitting. I admit that there are, as my hon. Friend has said, many good Christians who are not Members of Parliament; but I will not admit the converse of that proposition that there may be good Members of Parliament who are not good Christians. My hon. and learned Friend then asked, who is a Christian? and he drew a picture of the diversity of opinions amongst Christians. We cannot, however, search men's hearts to ascertain their belief. All we can make them do is, to make them profess that they are Christians. If my hon. and learned Friend's arguments are good you must abolish part of the Coronation Oath, which binds the Sovereign to maintain the Established Church and the true religion. You can only maintain that oath on the same ground on which I say you are bound to exact from Members of the Legislature a profession of Christian principles, principles which are the best safeguard for the happiness and the prosperity of the State. My hon. and learned Friend said that he had refrained from voting on any question in which the Church or its ecclesiastical establishment was under consideration.

MR. BOWYER: I abstain from voting on any matters which exclusively concern the internal affairs of the Established Church.

MR. SPOONER: And he called on me to abstain from bringing forward the question of Maynooth on the same ground. But have Protestants nothing to do with the support of Maynooth? If he says that we have nothing to do with it, let him bring in a Bill to release us from paying to its support. But I will continue to object as

long as I have a seat in this House that a Protestant country should be bound to pay for teaching doctrines which the Articles of that Church have proclaimed to be idolatrous or blasphemous. Whether successful or unsuccessful, I feel called on by an imperative sense of duty to protest against the inconsistency which Protestants are guilty of in educating priests to teach doctrines so discordant with the Articles of the Church. I shall not follow his advice —I shall not refrain, as he wishes me to do, from again bringing forward the question of Maynooth some time in the course of this Session.

MR. MAGUIRE would, in the first place, deny that the doctrines of the Catholic were inconsistent with the true religion, as the hon. Member for North Warwickshire asserted. For what, in a word, was religion? Was it not that which taught us to love God for his own sake, and our neighbours as ourself? And he defied the hon. Gentleman to put his finger upon any one doctrine or tenet of the Catholic Church inconsistent with the divine word of the Redeemer. It was also asserted that liberty was impossible where Catholicism prevailed—that no Catholic country enjoyed free institutions. He (Mr. Maguire) would point out two countries — Sardinia and Belgium — in which free institutions existed, and liberty prevailed. The Constitution of Sardinia was not very different from that of Protestant England, and yet there were not more than 5,000 Protestants in that country. Then, as for Belgium, which was wholly Catholic, not only did its people enjoy freedom, but no country in Europe exceeded it in manufacturing energy, or in all the elements of material progress. But the hon. Gentleman asserted that Catholics were withheld from taking the oath, before the year 1829, not from a conscientious motive, but through fear of some social inconvenience. This he emphatically denied. For thirty years there was no hindrance to the Catholic but the oath then taken by Members of that House, and yet it alone was sufficient to prevent them from crossing the threshold, simply because it was repugnant to their conscience and insulting to their religion. When Mr. O'Connell was returned by the Clare election, what prevented him from taking his seat? He entered those doors, he stood at that table, but he refused to take the oath, because he could not conscientiously do so. For thirty years that oath was an insuperable barrier to the rank, the talent, and the ambition of the Catholics of Ireland. With reference to the Bill before the House, he confessed that, as a Roman Catholic, it occasioned him much pain and much embarrassment. No Roman Catholic in this House—no Roman Catholic in this empire—wishes to keep the Jews out of Parliament; on the contrary, Catholics desire to give them the same rights and privileges as any other portion of their fellow-subjects, and they do so on the broadest grounds of civil and religious liberty. No Catholic would refuse to place the Jew on a perfect equality with the Christian in civil matters; but from the nature of the Bill now before the House, it is made almost impossible for the Catholic to support it. What does it do? It virtually re-imposes the oath to which Catholics so justly object, as offensive and degrading; and it asks the Catholic to sanction, by his vote, the taking of an oath by the Protestant, which is opposed to the fundamental doctrines of the Catholic Church, and which it is impossible that the Protestant can believe to be true. Hon. Gentlemen differed as to the nature of the proviso excluding the Catholic oath from the operation of the Bill, and the majority denied that it was no re-enactment of that oath. But, after all, did not the formal exemption of the Catholic from the relief afforded to all others, amount to a virtual re-imposition of the oath to which they objected? By this Bill the doors of Parliament are thrown open to the Jew, who is placed on a level of equality with the Protestant; but by this Bill the Catholic is still retained in a position of unjust inferiority, for he is compelled to take an oath against which his pride and dignity revolt. If the Jew was entitled to equality with the Protestant was the Catholic? The Jew was a member of a small and comparatively insignificant sect. What was the Catholic? The Catholic belonged not to a mere sect, but formed about one-third of the population of the United Kingdom. It was well for hon. Gentlemen to talk of "toleration" to their Catholic brethren; but that toleration I, as a Catholic, repudiate and despise. I demand, as a right, the fullest equality for the Catholics of this empire. They are entitled to it by their numbers, by their property, by their contributions to the maintenance and defence of the State, by their services in every department of the State, by the blood they have shed, and by

Mr. Spooner

the sacrifices they have made. Who is it that fill up the broken ranks of your army in India? Not Jews, but Catholics; and yet, while you propose to place a Jew on a level with the Protestant, you propose, by your excluding proviso, to retain the Catholic in a position of inferiority. I say, by all means, place the Jew on an equality with the Protestant, but do not refuse the same equality to the Catholic. Then, the oath to be taken by Protestants, calls on me, as a Catholic, to assert, or permit others to assert, that which I, of my own knowledge, believe to be a downright and palpable falsehood—that the Pope has no spiritual or ecclesiastical power, jurisdiction, or authority in this country. The right hon. Gentleman (Mr. Walpole) would explain these words by representing them as a mere record of opinion, or declaration of a principle; but surely a distinct statement of fact is not the mere expression of an opinion. I can well understand a Protestant swearing that the Pope "ought not to have" power, authority, or jurisdiction in this country; but how, in the face of the state of things which he knows to exist, can he swear that the Pope "has not" such power, authority, and jurisdiction. Let lawyers quibble or split hairs as to its meaning, I can regard an assertion of the kind in no other light than that of a positive falsehood, stating that to be the fact which is notoriously not the fact. Let me give a case in point, in order that hon. Gentlemen may understand whether the Pope has, or has not, authority in this empire. A Catholic Bishop dies in Ireland, and in a month after his death, the parish priests of the diocese meet with a view of electing—I use this word in a proper sense—a successor to the deceased prelate; for they in reality only present three names to the Pope. Suppose there are fifty parish priests, and that there are thirty votes given for one, fifteen for a second, and five for a third, the Pope may, if he so please, appoint the priest who has the least number of votes, or he may entirely overlook the three persons so presented to him, and of his own will appoint an entire stranger to the diocese. Now if that does not involve the exercise of ecclesiastical power, authority, and jurisdiction, I would wish to know what does? Is not the authority which the Pope exercises in Ireland, in England, or in Scotland, a power exercised by a foreign potentate over his spiritual subjects of this empire? And yet I who defend the exercise of that power and authority, am to be called upon to say, by my vote, that the Protestant shall swear what I know to be contrary to the fact! Then as to the Catholic oath, it is said that Catholics ought to submit to its degradation, because it was accepted by Catholics at the time of the Emancipation. I deny that they formerly accepted it; or even if they did, how does that acceptance bind us in these days? We did not accept it, and therefore we are entitled to alter it, if we can. But is there any analogy between the time when that oath was imposed and the present? Let any hon. Gentleman glance at the memoirs of the late Sir Robert Peel, and he will understand amidst what confusion and alarm the Emancipation Act was passed. Read the despatches of the Marquess of Anglesea, the then Viceroy, and you may judge of the terror and apprehension of that law. These despatches may be thus summarised—"I hate, abhor, and detest Catholics, their priests, and their religion; but, for God's sake, give them what they ask, or we shall have a civil war on our hands." I admit, Sir, there were the gloomiest apprehensions at that time in this country and this House. I venture to say that North Warwickshire was well represented in that day—that you had a number of male Cassandras who scattered their ominous predictions over the land—that all the venerable old women believed that the result of the Emancipation of the Catholics would be the destruction of the King and Constitution, and even the submerging of this island in the sea. But, Sir, none of these terrible prophecies have been justified by the fact; and the Catholics, who were then regarded with horror and alarm, have proved themselves as loyal to the institutions of the country as any other communion, and as anxious to promote the welfare and the happiness of their fellow-subjects as Dissenters or Protestants could be. Since then Catholics have been as faithful to their bonds, their obligations, and their oaths, and as exemplary in every relation of life, as their more favoured fellow-subjects; therefore, Sir, I contend that they should be placed on an equality with all others, and that this last badge of inferiority should be abolished

Bill read 2°, and *committed* for *Wednesday*, 24th *February*.

House adjourned at a quarter after Four o'clock.

HOUSE OF LORDS,

Thursday, February 11, 1858.

MINUTES.] *Sat First in Parliament.*—The Earl Fitzwilliam, after the Death of his Father.

STATE OF PARLIAMENTARY BUSINESS. PARLIAMENTARY REFORM. QUESTION.

THE EARL OF CARNARVON wished to put a question to the noble Earl the President of the Council relative to the promised measure of parliamentary reform. At the commencement of last Session the noble Viscount at the head of the Government intimated his intention that some measure of the sort was to be introduced; and at the opening of the present Session before Christmas special mention was made of it in the Speech from the Throne. Parliament had now been sitting three weeks; yet up to the present moment they had received no intimation whatever with regard to the intention of the Government upon the subject. So far as he himself was concerned, he must say that he was not so sanguine as to hope much from any measure which might be introduced. At the same time it was most desirable, for the sake of all parties, that they should understand what was the nature of its provisions with the least possible delay. Already they had an enormous mass of Parliamentary business to transact. In the House of Commons they had a Bill with regard to aliens, which had already consumed two nights in debate. Then there were discussions in prospect with regard to finance, and the government of India; and beyond all that, they had a war in India, which was likely to be the subject of constant reference in this House; and another war in China, which had assumed proportions, and been carried further than they could ever have expected. And in addition to all this they were to have a Reform Bill. It was desirable, then, that their Lordships should receive some explanation as to when it was probable the contemplated measure of reform would be brought forward. Under the most favourable circumstances it appeared to him to be scarcely possible for Parliament to do justice in one Session to the vast mass of business that was to come before it. Either the Reform Bill was ready or it was not ready. If it were not ready, he certainly could not compliment Her Majesty's Government upon the celerity with which they despatched their business. There would be considerable risk of the question being driven off until the months of July and August, when the Members of both Houses would be exhausted by their labours, and the measure might pass with many crudities and imperfections. If, on the other hand, the principle of the measure had been agreed upon and the Bill prepared, what earthly reason could exist for its not being on the table at that moment? The fact was, the whole matter seemed to him to bear a very suspicious aspect. It really appeared as if the proposed reform had been held out as a sort of bait to hon. Gentlemen who entertained advanced liberal opinions in another place, and of whose allegiance Her Majesty's Government were somewhat doubtful; and at the same time as a rod over the heads of those who, like himself, dreaded stirring up popular feeling upon the question. He should be glad to know, then, whether the promised measure of reform was ready, and, if so, when it was likely to be laid before Parliament.

EARL GRANVILLE said, it was announced in the Speech from the Throne that Parliamentary Reform was one of the measures which the Government intended to propose in the course of the present Session. No change had taken place in their intentions in that respect; but the precise time at which the measure would be introduced must depend very much on the general prospect of the business of the Session. On this, as on other questions, Her Majesty's Government must be allowed to exercise their discretion as to the mode of announcing the nature of the measure they proposed to bring in, and as to the best time for obtaining for it the calm and deliberate consideration of Parliament.

THE EARL OF DERBY said, that as it had been announced in the Speech from the Throne at the opening of the Session that a measure of this sort was to be brought forward, he thought his noble Friend (the Earl of Carnarvon) was perfectly justified in asking that Parliament and the country should have time for considering whether they could adopt or approve of its provisions. If the measure were not brought forward at an early period, Her Majesty's Government would be open to the suspicion of one of two things: either of desiring that the measure should not pass at all during the present Session, which he was not quite sure some of them might not desire as he confessed

he himself did; or else of hurrying it through without giving Parliament and the country time to consider it. In his opinion, if the question were brought forward with the sanction and authority of Government, it should be discussed calmly and deliberately, and after the fullest notice had been given in both Houses.

THE EAST INDIA COMPANY'S PETITION.

EARL GREY: I rise, my Lords, in accordance with the notice which I have given, to present to your Lordships the Petition from the East India Company, which they have done me the honour to intrust to my hands. The East India Company come before you as petitioners, in consequence of its having been signified to them by the Ministers of the Crown that a Bill would be proposed to Parliament for the purpose of placing Her Majesty's East India dominions under the direct authority of the Crown—in other words, a Bill to abolish the East India Company as an instrument of governing that empire. On receiving a communication to this effect the Court of Directors addressed a letter to the First Lord of the Treasury, in which they stated the objections which they entertained to the proposed abolition of the Company — objections which I ought to state were not founded on personal considerations, but solely on the public interests of this country and of India—and at the same time expressing their readiness to concur in any measures that might be calculated to improve the existing system. To this letter the Court of Directors received an answer in very brief, not to say contemptuous terms, informing them that the Government declined to enter into an explanation of the reasons that had induced them to determine on submitting a Bill to Parliament, or to give any statement of the provisions which it would contain, reserving all explanation on these points till the meeting of Parliament.

Now, my Lords, I cannot forbear from saying that I think this was treatment very discourteous towards the East India Company. The position in which they stand gave them a right to expect that Government would consult them on such a subject. But it is not so much of the discourtesy I complain as of the injury to the public interests that has arisen from the course taken by the Government; because I am sure your Lordships will feel that to create a new system of government for India is a task of extreme difficulty, and one which requires to be undertaken with the most careful deliberation, in order to avoid falling into grave errors. Surely, the Directors of the East India Company, with their long experience, would have been able to afford some useful advice and assistance to Government in the consideration of this subject; and I am persuaded that as it would clearly have been the duty of the Company, so it would also have been their anxious desire, if consulted confidentially, to give their best assistance to the Government in devising the best arrangements that could be adopted for the public interests. I cannot help saying that great injury has been thus done to the public service; and it does not appear to me that the present Cabinet, by its composition, stands so much above all preceding Cabinets in point of ability and judgment that to consult a body like the East India Company on such a subject can be considered as altogether superfluous.

My Lords, the East India Company, on receiving from the Government this letter, behaved, in my opinion, with the greatest propriety and forbearance. They evinced no irritation in consequence of the want of courtesy which they had experienced, but they consulted as to the course which it was their duty to take, and they came to the conclusion that, as in their opinion the proposed measure was not calculated to prove of public advantage, they were bound, being particularly charged with the protection of British interests in India, and as the whole question was to be referred to Parliament, to come to Parliament and state their views regarding it. Accordingly, the Court of Directors caused a petition to be drawn up—a petition equally remarkable for the courteous and becoming language in which it is couched, and for the extraordinary clearness and power of its reasoning. I do not know that I ever read a more able State paper. The petition was approved by sixteen out of eighteen Directors, including some of those who had been nominated by the Government; and, after a very protracted discussion at the India House, it was formally adopted by the Court of Proprietors, with, I believe, only four dissentients. The petition thus adopted, and, having the weight of this great Company attached to it, I have now to present to your Lordships' House, and it is my duty, both to your Lordships and the Petitioners, briefly to state the substance of it.

My Lords, the Petitioners state that the magnificent empire of India was acquired for this country by the East India Company and has been governed since the year 1783 by the Company under the control of a department of the Imperial Government;—that the system for the administration of India which was then established, has since undergone careful Parliamentary inquiry several times on the renewal of the charter of the Company, the last occasion of its doing so having been in 1853, when Parliament, after due consideration renewed, with certain modifications, the arrangement which had been in existence for nearly three-quarters of a century. The Petitioners state that they are now informed that it is proposed by the Government that this system, thus long in force, should be entirely altered. The reasons for making that change, they say, have not been communicated to them; but they do not understand that any failure is imputed to the existing arrangement as administered by the Petitioners; but, they say, looking at the time at which the measure is about to be proposed, they are compelled to regard the reasons for it as being connected with the recent calamities in India. They therefore challenge inquiry into their conduct as bearing upon these events. They have themselves already ordered an inquiry on the spot into the origin of the mutiny in the Bengal army, and they wish your Lordships also to institute an inquiry in this country to ascertain whether the constitution of the home Government of India and the conduct of those by whom it has been administered had had any share in producing the mutiny or have impeded the measures for its suppression. They say that if the administration of India has been ill conducted the responsibility seems to rest on Her Majesty's Government, who have authority to decide on the measures to be adopted rather than on the Petitioners whose duty is only to suggest them and to prepare despatches for the consideration of the Board of Control which that Board may alter according to its judgment; and they say, therefore, that it is unreasonable to make any errors there may have been in the administration of Indian affairs, a ground for annihilating the authority which cannot be that principally in fault, and transferring the power to that which has had the decisive share in causing them. But the Petitioners state that they do not wish to shelter themselves at the expense of any other authority. They say they fully admit their responsibility for having had a large share in the Government of India, and they state that that responsibility is to them a subject of pride and not of humiliation, for they assert that the Government of India has been one of the purest in intention, and the most beneficent in act that has ever been known; they state likewise that it is especially of late years that the Government of India has been entitled to this praise. But they say that a different impression would be created by passing the proposed measure at the present time, and that it will produce a general impression that the East India Company have abused the trust committed to them in such a manner, as to have produced a sanguinary insurrection, and nearly lost India to the British empire, and that they are to be cashiered for their misconduct. They add, that they might rely on the verdict of history for the vindication of their character and management, but that they dread the effect at the present time of such an impression on the minds of the people of India. They go on to state that if the Company is to be abolished at a time when an overwhelming British force has been sent to India, and when the organs of opinion both in England and India have for the most part been condemning the existing Government as too forbearing to the Natives, more especially in matters referring to their religion, the belief that will be created there will be that the whole existing system is to be altered, and that any future Government is to be carried on with less regard than heretofore to the feelings and opinions of the people of India. They say that in the policy which they have pursued with regard to these subjects, and particularly the respect they have shown to the feelings and opinions of the Indian people, they have conformed to the avowed intentions of Parliament, and even to its express enactments, and have strictly followed the line laid down for their guidance. They state that that policy has proved successful, and that during the recent mutiny the rulers of independent States and the population have for the most part remained faithful to the British Government, and they state it to be their honest conviction that any serious apprehension of a change of policy in this respect is likely to be followed, at no distant period, by a general rising throughout India. They state that they have observed with the

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greatest pain an indiscriminate hostility towards the people of India shown by our countrymen both in England and India in consequence of the insurrection. They say they believe this feeling to be unjust, and they are certain that its demonstration is inconsistent with the good government of India. The Petitioners also protest against the notion that India should be governed for the benefit of the English people in that country; they regard it as the most honourable characteristic of the government of India by England that it has admitted no such distinction as that of a subject and a dominant race; they feel that much of the hostility by which they are now assailed arises from their having been the guardians of that policy, and they believe that if the Company is now abolished it will be considered in India as the first successful attack on this principle of government. They say that this is, at all events, an unsuitable time for such a change, and they recommend that it should be deferred until a period when it would not be connected in the minds of the people of India with the calamities that have recently occurred. They add that such a postponement would give more time for the careful consideration of a very difficult question. The Petitioners state that they have always readily acquiesced in the various changes which they have been called on to make in the interest of the public, even though involving considerable sacrifices to themselves. They state that they are perfectly ready to concur in any attempt to correct the defects of the existing arrangement; but they say that any system for the government of India will be unsafe, unless it fulfils certain conditions. Among these they state that it is impossible to suppose that the government of India can be intrusted to a Minister, unaided by the advice of a Council of some description, the members of which ought to possess a knowledge of India and experience of Indian affairs. They say that the existence of such a body of experienced advisers is necessary, not only for the purpose of giving counsel to the Government, but also to act as a moral check on the Minister; that such a Minister will be exposed to the solicitations of various bodies of persons having their own interests to serve, and that there will be no sufficient check produced on such solicitation by the interference of Parliament; that public opinion in this country is necessarily ill-informed upon Indian affairs, and that, being ill-informed, it will naturally follow the guidance of those who take most pains to influence it, who will generally be those who have some private object to attain. They state that a Council would be worse than useless if it did not possess independence and such authority as to give weight to its opinion, and they add that no new body, however constituted, could at once succeed to that moral influence which belongs to the East India Company from its antiquity. They say further that a Council nominated by the Crown could not act as a check on the Minister of the day, and that it would not be free from Parliamentary and party influence, whereas the patronage has hitherto been in the hands of persons who have no necessity for conciliating party or Parliamentary support, and who have given their appointments, especially to high office, only on considerations of personal fitness, and entirely irrespective of political consideration. They further attach great importance to the order in which Indian business is transacted. It is now the duty of the Court of Directors to prepare drafts of despatches and instructions to the Indian Government; a Minister of the Crown possesses the power of altering and modifying those despatches; and the Petitioners say if the Minister of India were to have both these powers confided to him, the Council being confined to pointing out objections to proposed despatches, their functions would speedily fall into desuetude. They think the number of which that Council should consist is important, and state that since the reduction of the number of Directors by the Act of 1853 they are scarcely sufficient for the duties they have to perform. They say these requisites for any body to administer the affairs of India are those which the Court of Directors possesses, and that if any other body could be found possessing those requisites in a higher degree they would not object to be superseded by them; but if not, they trust that Parliament will not consent to deprive them of their functions. They have heard the present system objected to on the ground of its being a double Government; but they contend that the objection is unfounded, inasmuch as the executive Government of India must necessarily be carried on in India, and that the functions of the Government at home are mainly of a deliberative character. The Petitioners further state that there is no ground for asserting that there is any want of responsibility under the present system. The

President of the Board of Control has power to alter any orders given by the Court of Directors, and he is, therefore, responsible for them, and that responsibility is not lessened because the powers of the Minister are exercised upon the advice of a body which is also responsible for the nature of that advice. The Petitioners conclude by stating that, having regard to all these considerations, they humbly pray your Lordships not to give your assent to any change in the form of Indian Government during a period of internal disturbance, nor without full previous inquiry into the subject.

My Lords, I have now given you a slight sketch of the substance of this petition, and I have done no more, because I am persuaded that petition has been already read by many of your Lordships, and before we are called upon to legislate upon this subject I am certain you will all not only read but most carefully study this document, every word of which deserves your best attention. I believe that if you study this petition you will find its statements unanswerable, at least upon the main points. I think the petitioners have succeeded in demonstrating that there is no mischievous conflict of powers at present. They state that under the existing arrangements all the instructions addressed to the Indian Government originate in the Court of Directors. They propose what despatches shall be sent out to that Government, and the Board of Control decides in what manner those despatches shall be altered, if necessary. By this arrangement complete authority is given to the Imperial Government, which is, and ought to be, supreme. It would, indeed, be in the highest degree inconvenient, if not dangerous, to allow any possible conflict of authority on this subject. We could not allow the administration of Indian affairs to be carried otherwise than in perfect concert with the general administration of the empire, and that can only be done by giving the supremacy to the Queen's Government which it now possesses. But that is not all that is required. When you consider what our Indian empire really is—its enormous extent, its vast population, including men of different races and speaking various languages—all of them so unlike ourselves in manners, in habits of mind, and in religion—when you consider the vast and complicated interests with which the Government of India has to deal, it is obvious that the task of conducting that Government is one of the greatest magnitude and importance and which can only be performed through the advice and assistance of men thoroughly acquainted with that empire. Is it possible to suppose that Ministers of the Crown, holding power by the tenure which they do under our system of Government, can possess the knowledge of India, and experience of its wants and wishes, which would be requisite to enable them to conduct such a Government independently of all aid? The petitioners have told you that the average time during which Presidents of the Board of Control have held office has been two years and a half, and would it not be preposterous to suppose that the ablest man holding office for that short period can have that intimate acquaintance with the complicated affairs of India which is absolutely necessary to enable him safely to direct the measures of the Indian Government? Hitherto that knowledge and experience have been supplied by the Court of Directors. Besides this the constitution of the Board of Directors has afforded that which is almost as important—a protection from the baneful influence of party spirit in the conduct of the Government of India. It is because the Court of Directors is a body having no connection with political parties, while at the same time it is powerful and independent, that it has been able to preserve our Indian administration to a great extent from the influence of party spirit. If the Ministers of the Crown had had the Government of India in their hands more directly and more completely, is it reasonable to suppose that at all times, and in all seasons of political excitement, they would have abstained from using that power for their own party objects? Is it likely that, if the power had been wholly in the hands of the Government at home, the Opposition would have always abstained from using India as a weapon to wound, and perhaps to destroy, the Ministry? If we look at what has happened elsewhere, we may form a judgment upon this point. I do not see in the House a noble Friend of mine who, a few years since, held the Government of Ceylon —I refer to Lord Torrington. While he held power there an insurrection broke out. From the temper of the people at the time there is no reason to doubt that, if that rebellion had been allowed, by any weakness or indecision in the first instance, to spread, it would soon have become a fearful conflagration. Happily, however, by the adop-

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tion of energetic measures by my noble Friend, the flame was at once extinguished; but among those measures one of the most effectual was allowing the sentences of capital punishment passed upon eighteen persons, who were taken in flagrant rebellion, to be carried into effect at once. Now, because it was believed that through Lord Torrington the Government which he served might be injured, the execution of these rebels was seized upon as a ground for assailing him with the most virulent abuse,—he was held up to public odium in the press and in Parliament as a monster of cruelty, by whose tyranny and oppression the rebellion had been produced, and who had made the insurrection a pretence for grievous and unnecessary severities. My Lords, I say Lord Torrington deserved the highest credit for his conduct upon that occasion; but that did not protect him from the attacks I have described, and these attacks had the effect of rendering his future government of Ceylon so difficult as to become almost impossible. Party spirit has not in general seized upon transactions in India in the same manner in order to attack the Government of the day. To what do we owe the exemption which has preserved the Government of India from that which would have rendered it impossible to be conducted with success? That which I believe has preserved it from this great danger has been the fact that the East India Directors, as a body entirely unconnected with party politics, have had so large a share in conducting the Government of India. But that body would not have been able to act as a shield to the Ministers of the Crown against the assaults of party spirit, if it had not also been sufficiently strong to resist the acts of those Ministers when they believed them to be wrong. It is because the Court of Directors is a large and powerful corporation, possessing a great moral influence which the Government of the Crown cannot lightly set aside, that it is enabled to resist the measures of that Government when they seem to it to be wrong, and to support them when it is of opinion that they are right. Your Lordships must be aware how firmly the Court of Directors has upon more than one occasion exercised that power. You cannot fail to recollect the famous case of the bankers of Oude, in which the Court of Directors, to its immortal honour, refused to sign a despatch authorizing the adoption of certain measures which it deemed to be unjust, saying to the Government which made the proposal, "We would rather go to prison than do what you require. Apply for a *mandamus*. Invoke the authority of the Court of Queen's Bench against us if you will. We cannot sign our names to instructions which we consider to be unjust." That resistance upon the part of the Court of Directors was effectual. The Government of the day did not dare to brave the indignation which would be sure to have arisen throughout the country had they ventured to send the members of the Court of Directors to prison.

It is, however, my Lords, objected to the present system of Indian administration that it consists of a double Government. In one sense that proposition no doubt is correct. But it is not so in the sense that under the operation of the existing system any conflict of authority is produced. The power which the Court of Directors wields is simply a moral power, and it is only when supported by truth and by justice that it can venture to resist the action of the Government of the Crown. The home administration of India is double, inasmuch as the two different bodies must be consulted on all instructions which are sent out to that country; but it is not double in the sense of requiring that these two authorities should concur, since the Queen's Government, as they have explained, is supreme and can overrule the Court of Directors. But further — the real Government of India, as the Directors have set forth in their petition, is carried on upon the spot. The functions of the Home Government consists in laying down rules for the guidance of the Government in India, and in revising the measures adopted by the Indian Executive. The authority at home is therefore more of a deliberative than of an executive character, and, so far as deliberative purposes are concerned, no valid objection can be urged against the present system. Let me again remind your Lordships that if this system be abolished you will have destroyed that check upon the operation of party influences which the Court of Directors now affords. In my opinion, therefore, the Petitioners are right in upholding the principle upon which our Indian administration has hitherto been conducted. That principle cannot, I think, be altered with safety.

I am, my Lords, far from saying that the constitution of our Indian Government

is perfect, and I may add that the Court of Directors in this petition gives expression to its willingness to introduce into that constitution any amendments which Parliament and the Government might deem to be necessary. There is, indeed, it appears to me, one fault in the existing system which, upon the face of it, is perfectly obvious. Since the Company has ceased to be a commercial corporation the Proprietors of East India Stock have ceased to have that direct interest in the conduct of its affairs which formerly gave them a clear right to choose the persons by whom those affairs were to be managed. Having now very little interest in the matter, they no longer have any just claim to appoint the members of the Court of Directors, while it has been proved that their possession of this power is open to just objection, inasmuch as it compels candidates for a seat in the Direction to go through a laborious and expensive canvass — an ordeal to which many men, whose services might be of the highest value to the country, refuse to submit. That, however, is a fault which, in my opinion, it would be by no means difficult to obviate. A great error was, I think, committed in passing the measure of 1853, which, while it conferred upon the Crown the power of nominating a certain proportion of the Directors, continued the former system of election with reference to the appointment of the majority. It appears to me that a better course to adopt would have been to vest in the Court of Directors the power of filling up vacancies in its own body subject to the approval of the Crown, and accompanied by the condition that that approval should not be signified until the names of the persons whose appointment was proposed had been submitted to Parliament. A check upon the making of improper appointments would I think thus be afforded, and the best men to fill any vacancies which might occur would be selected. These imperfections in the constitution of the Court of Directors are, however, mere matters of detail, and have no bearing upon the principle of bringing the Government of India under the direct control of the Crown, to which the Petitioners so strongly object.

Now, my Lords, we have not been told what the grounds are upon which Her Majesty's Ministers have come to the conclusion that this change ought to take place; but when we recollect that the greater number of the present advisers of the Crown were also Members of the Cabinet of 1853, and that that Cabinet, after due deliberation, renewed the charter of the Company, we cannot but suppose that something must since that time have occurred which has induced Her Majesty's Ministers to deem it expedient to abolish the Company. That occurrence can only, my Lords—as the Petitioners very fairly observe—be the breaking out of the mutiny in Bengal. There had been no other event of sufficient importance since 1853, to account for such a total change of the views of the advisers of the Crown. Still I must confess, that I am at a loss to understand how the occurrence of this great calamity can be held to afford a ground for abolishing the Company. The argument of the Petitioners upon this point I regard as unanswerable. It is this:—They say, in substance, "If the administration of India has been so ill-conducted as to lead to the present outbreak, the responsibility of that mal-administration surely rests with the supreme authority which has decided how the Government ought to be conducted, and not upon the Court of Directors, who advised the adoption of a different policy, but whose advice has been rejected." Now, my Lords, I wish you to bear in mind, in dealing with this question, that the recent outbreak in Bengal is to all intents and purposes a military mutiny. The population of India has, in general, abstained from giving any assistance to the mutineers, while in many cases it has lent support to Her Majesty's troops. The Bengal army, upon the other hand, has in almost every instance rebelled against our authority. What is the inference? Why, in the first place, that whatever faults of administration have taken place have been committed in connection with the management of the army; for if the people of India had been dissatisfied with the government of the Company they would gladly have seized upon the present opportunity to throw off a yoke which they found to be onerous. The fact that they have not done so goes far, I think, to prove that the affairs of India have not in the main been badly conducted. I may further remark that the condition of the people of India mainly depends upon the action of the Company, and is less affected by the measures of the Government at home than our military administration. The inference from these facts is, I think, plain—it is that that portion of our Indian adminis-

tration appears to have been the best managed in which the Crown and its officers have had the least concern. The army is far more directly under the control of the Crown than the other branches of our Indian service. The Sovereign, for instance, appoints the Commander in Chief, and virtually the Governor General, and the management of the army depends mainly on the servants of the Crown and not on those of the Directors. Under these circumstances I contend that in proposing to abolish the Court of Directors you are drawing this extraordinary conclusion from the premises which have been laid down—that, whereas one department of our Indian administration was well and the other ill-conducted, it is expedient to divest of authority that body which has discharged its trust efficiently, and to commit that authority to those who have failed to discharge their duty to the country in a way which you can approve. But I will not stop here. As to what was the immediate cause of the recent outbreak in India I do not pretend to give an opinion. That is a question with respect to which we have not as yet sufficient information to enable us to come to anything like a safe conclusion. No man, however, can, it seems to me, doubt that, whatever might have been the proximate causes of the mutiny, both its original cause and the magnitude of the danger which it created when it broke out have arisen chiefly from two circumstances—namely, first, that our demands upon the services of British troops have of late years been increased in a manner out of all proportion to the increase in their numbers; and secondly, that the Native army has been kept up upon a scale dangerously large as compared with the European force. These two circumstances, as every reflecting man will, I think, admit, have mainly contributed to aggravate the dangers of the mutiny, if not to produce it. Why, then, is it that the demands on the British troops have of late been so much in greater proportion to their number, while so large a Native army has been maintained? The answer to that question is very plain. Both these errors have been the direct and necessary consequence of that restless and aggressive policy which had been pursued towards the independent Powers with which the Indian Government has been brought into contact. For many years past the Indian Government has endeavoured to guard against distant, and for the most part, imaginary dangers by a system of meddling diplomacy which has involved them in many costly wars leading to a great extension of our dominions. These wars and the extension of territory resulting therefrom have scattered our European force over a much greater extent of country than formerly, and have added largely to the demand on their services, while at the same time they have been an obstacle to a proportionate increase in this part of our army. In these wars millions and millions have been spent which might have been applied in great internal improvements, thereby adding to the resources and the real power of the State. This unproductive expenditure had had so serious an effect upon your finances that the increase of your European army, in proportion to the increased call for English troops, has been prevented; and the increased force which this mistaken policy has rendered necessary has, for economical reasons, been supplied by the maintenance of a Native army upon so large a scale. I say, then, it is demonstrable that the policy I have described is the true source of your danger; and let me add, that with that policy the Court of Directors has had little or nothing to do. The constitution of the Secret Committee enables the Government of the day to give what orders it pleases relating to war and diplomacy, without even the knowledge of the Directors; and that power has been most largely used, or I should rather say abused—I mean it has been used to an extent infinitely greater than was contemplated by Parliament when it gave that authority. It is notorious that the Directors have uniformly been adverse to that system of policy which has led to the consequences I have described. It is notorious that the greater number of the wars in which we have been engaged for many years past have been undertaken either without their knowledge or contrary to their judgment. It is a matter of record that they disapproved the wars with Affghanistan and with Scinde. That is a matter of record. I believe, also, they both disapproved both the Burmese wars. We know they were not consulted with regard to the Persian war, which I believe also did not meet their approbation. This last war, I beg to point out to your Lordships, by withdrawing at a critical moment a considerable part of our European force from India, very probably produced the outbreak, and undoubtedly, when the outbreak had taken

place, added infinitely to our difficulties. It is notorious that the preparations for that war, and the orders for its commencement, were given without the knowledge of the East India Company. Then, I say, here again it clearly is not the fault of the East India Company that such errors have been committed; yet, because these errors have occasioned the frightful calamities of the last twelve months, you are therefore to proceed to sweep away that authority which, as far as it has had any influence, has acted as a check upon the mistaken policy of the Government! Such a course is opposed to reason; and I therefore concur in the opinion which the Directors express, that the principle of the present system of government ought not to be altered. The argument of the East India Company is, I think, unanswerable. If you create some new council called by some other name it would not succeed to the same moral influence and the same power over men's minds which the East India Company now possess. Suppose you were to introduce a measure creating a new Legislature for this kingdom, do you think that, for some considerable time at least, it would have the same hold over the people of England as the present Legislature?

I also concur in the opinion of the Petitioners that, even if it could be proved that the proposed change was right in principle, this is not the right moment to carry it into effect. I own this seems to me so plain a proposition that I cannot conceive how it can possibly be controverted. Is it rational to attempt to remodel the whole system of government of a great empire when that empire is convulsed by a mighty internal agitation? Is it rational to set up a new authority over India in the midst of such a war as that which I am afraid is yet some distance from its close?

My Lords, I have now stated in what I concur with the Court of Directors; but, before I conclude, it is necessary for me to add a few words on a point upon which I am bound to say I cannot agree with them. The Petitioners pray you, should you think a change necessary, not to consent to any measure for changing the Government of India during the continuance of the present disturbances in India, and at all events not without full inquiry. Upon that last point I am entirely at issue with them. If Parliament has decided that present arrangements ought to be altered, and that the Court of Directors should be abolished. I think that decision ought to be carried into effect with the least possible delay. I see no occasion for any inquiry, because, though it might be incomplete in other respects, the inquiry made in this House in 1853 as to the machinery for conducting the government of India at home was confessedly quite complete. I believe we have no more information to gain upon that point, and that, if the present government is a bad one, you possess all the knowledge you can have for altering it. I think, therefore, that if Her Majesty's Ministers have arrived at the conclusion that the system should be altered, they are taking the proper course, in not asking for further inquiry, but in at once proposing a measure on their own responsibility. An inquiry by this House of the nature suggested would, it appears to me, have a very bad effect. I can see no advantage which would result from it; but I do anticipate that it would become a sort of Committee for making out a charge against the East India Company. From the circumstances of its appointment, such a Committee would naturally proceed as if to criminate that body. There would be on one side an attack, on the other a defence; and, while that process was going on, what would the authority of the Company really be? It would be called npon to administer the Government of India in a season of unexampled difficulty, while, at the same time, it would be deprived of its whole moral strength. By such an inquiry, too, you would probably excite party spirit and division among the civil servants of the Company, and between those servants as a body and the other British residents in India — thus creating a permanent evil. Upon these grounds, I think it would be injudicious to adopt the recommendations of the Petitioners by the appointment of a Committtee. On the contrary, I repeat that, if we are to have a change, it should be carried into effect with the least possible delay. Not an unnecessary hour I am persuaded, should be lost, either in passing the Bill, or afterwards in bringing it into complete operation. There must, under any circumstances, be a dangerous interval, during which the East India Company will have to discharge their functions with what I may call sentence of death hanging over their heads; but let that dangerous interval, at all events, be as brief as possible.

I have now, my Lords, I believe, con-

cluded all that it is necessary for me to say. I will only, before sitting down, supply one omission which I have made. In stating that the East India Company had had no communication with the Government as to the details of the proposed Bill, I ought to have added that, about an hour before I came down here, I was informed that, this morning, the Prime Minister had an interview with the Chairs, and communicated to the Directors the heads of the measure. Considering that that Bill is to be introduced into the House of Commons to-morrow, and as I presume that, in the interval, no very essential modification can be made in its provisions, I do not see that any particular advantage can result from the communication I have mentioned. Indeed, I think its only effect is to render somewhat more marked than it was before the want of courtesy with which the Directors have been treated. I now beg to lay the petition upon the table.

Petition *presented.*

[The Petition will be found *in extenso* as an Appendix to this volume.]

THE DUKE OF ARGYLL: I am sure your Lordships will be disposed to admit that, in being called upon to follow my noble Friend upon many of the points to which he has referred, the Members of Her Majesty's Government are necessarily placed in a position of considerable disadvantage. My noble Friend the President of the Council (Earl Granville), who represents the Government in this House, suggested the other night to the noble Earl (Earl Grey) that it would be more expedient that the presentation of this Petition should be postponed until after the noble Lord at the head of the Government, in another place, had introduced the measure of which notice has been given; and that suggestion was made mainly on the ground that it would be almost impossible to abstract the discussion from questions which must bear upon the provisions of that Bill. The noble Earl urged in reply that, on the contrary, it would be more easy to separate the discussion of the provisions of the Bill from that arising out of the question of time by presenting the petition to-night, instead of postponing it until after the measure of the Government had been introduced in another place. I appeal, however, to the candour of this House and of my noble Friend, whether he has not used many arguments which it is possible we might be able to answer if the measure of the Government were known? Is it not possible that we might have been able to show that some of the constitutional objections which my noble Friend has urged with so much ability have at least received careful consideration on the part of Her Majesty's Government, and that we had endeavoured to meet them by the provisions of the measure which we are about to submit to Parliament? I will not, however, be tempted to undertake a duty which belongs of right to others. I will not anticipate any part of the statement which it will be the duty of my noble Friend (Viscount Palmerston) to make to-morrow in another place. I beg, at the same time, to assure my noble Friend that in what I have said I have not meant to speak in the slightest tone of remonstrance against the course he has pursued. I fully admit it was natural that he and the great body whose case he has undertaken to present to the House should desire to take the earliest possible opportunity of influencing the public mind, and the mind of Parliament, upon the great question about to be brought under our consideration. I admit further that they were right in thinking that they would have a better chance of success in uniting many different sections of opinion, which could be united about nothing else, upon the preliminary question of time and opportunity in regard to the introduction of the Bill. On these grounds I am willing to accept the debate upon the conditions on which it is brought before us; but the few observations I have to make will necessarily assume the form of a statement rather than of a reply.

There is, however, one portion of my noble Friend's speech to which I must advert for a moment—I refer to the terms of high eulogium in which he has spoken of the Petition of the East India Company. I need hardly say that it is impossible for the Government to concur in the whole of that eulogium. We may not, and we do not think the arguments of the Petition are very strong, far less that they are conclusive; we may, and we do think that many of them are of a purely traditional kind, which have come down from one generation to another, and which have been repeated from mouth to mouth long after they have ceased to be applicable to the circumstances of the time. We may think that some of those arguments can be shown to be contradictory; whilst, in respect to others, the best and truest, we hold ourselves at perfect liberty to accept them entirely and to assent to them most cordially, but holding, nevertheless, that they do not

justify the conclusions in support of which they are advanced. But on one point, in respect to that Petition, we can agree with the noble Earl—that the tone and temper of the document is worthy of the great historical body from which it emanates; that it is temperate and dignified, and worthy of the subject to which it refers. I can only express my earnest and sincere hope that, throughout the debates which take place in Parliament upon this question, we shall be able on both sides to abstain from everything of a recriminatory character, and that we shall be willing to give each other credit for what we all profess—a desire to serve this great country and its Indian empire, and to provide such a Government as may be most conducive to the happiness of the millions subject to our rule. And, my Lords, as all public men will, I am sure, admit the great obligation which they owe to the permanent civil servants, both of the Crown and of the East India Company, I trust I shall not be deemed guilty of any indelicacy towards the directorial body of the Company if I express my anxious hope that the two eminent, able, and distinguished men who are understood to have been mainly instrumental in drawing up this Petition may continue to give to any future Government which may be provided for India that valuable assistance which they have for so many years rendered to the Government of the East India Company.

My Lords, I shall now address myself very briefly to the question of the time at which it is proposed to introduce this Bill, which, after all, is considered the most difficult part of this subject. I must entreat the House to remember the position in which the Government of the East India Company was placed by the last Act of 1853. That Act effected changes of very considerable magnitude in the system of government applicable to our Indian empire, to many of those changes I need not now refer farther than to observe that they were all changes tending in the direction of that consummation which is now proposed. One of these changes tended, in my opinion, more than any other to that consummation—namely, the change from a periodical renewal of the Charter to its renewal for no fixed term of years, but simply until Parliament should otherwise provide. Your Lordships will doubtless recollect the circumstances under which the existing Act was brought forward by the Government of Lord Aberdeen. The House will no doubt remember that the transfer of the government of India from the Company to the Crown was at that time strongly urged upon Her Majesty's Ministers from various quarters. Such a course was advocated in the other House of Parliament by a party considerable in influence, if not in numbers. It was strongly urged in this House by my noble Friend opposite (the Earl of Ellenborough), who is more thoroughly acquainted with Indian affairs than, perhaps, any other Member of this House. I need not enter into details as to the grounds upon which the Government of that day declined to adopt the course which was urged upon them, but some of those reasons, connected as they were with the question of postponing legislation for another Session, it was impossible for us at the time to explain to Parliament, although they afterwards became known to Parliament, and materially affected the opinion and judgment of my noble Friend opposite. Many considerations prevented us from proposing at that time the change which was urged upon us; but I am sure I may appeal to the recollection of all my colleagues when I say that the plan was seriously considered and discussed by the Government of Lord Aberdeen, and that, although we were not then prepared to adopt it, the general impression was that the steps about to be taken must ultimately lead to the consummation to which the progress of events was inevitably tending. It was quite evident that one of the immediate effects of the change from a periodical renewal of the Company's Charter to a simple renewal during the pleasure of Parliament would be to bring the question of the government of India more constantly under their attention. Thenceforward the constitution of that Government was always open to consideration, and it was clear that changes of circumstance—of public feeling—might at any time arise, rendering the final change as natural and easy as it was ultimately inevitable.

And now, my Lords, let me call your attention to another point of great importance in connection with this subject. Partly, perhaps, owing to that feature of the measure of 1853 to which I have referred, partly to increasing communication with India, and partly to other causes, the affairs of that country and the acts of its Government have been attracting more general, and especially more constant, attention. In Parliament, in the press, in the commercial cities, in every direction and in every form, we have had those acts con-

stantly referred to and discussed; and what I wish especially to observe to the House is this—that in all those discussions, whether it be on the administration of justice, on the system of police, on the tenure of land, on the growth of cotton, on the system of finance, or on our relations with the native States, every error of the Government of India, or every alleged error, has been constantly connected with and attributed to its structure. The Company has been the unfailing object of attack. Every evil has been attributed to what is called the "double Government." I am not now wishing to argue — I have repeatedly in your Lordships' House argued to the contrary—that all these attacks, or one-tenth of them, have been just or logical in themselves; but all the more am I unable to resist the inference — and it is a conclusion which against my own prepossessions has been more and more forced upon my mind — that the system of our Home Government for India has not only ceased to be defensible in the abstract, but has ceased to be intelligible to those with whom it is called to deal; that its anomalies of faults are so prominent and glaring that they are constantly connected with every error of policy, or of administration, and are such as to cast a dangerous and fatal prejudice, even on some of its best and wisest acts. The consequence is, that the form of that Government, instead of being a source of strength, is a perpetual source of embarrassment, misunderstanding, and weakness. I am sure the House will agree with me that nothing can be more dangerous for a Government than that all its errors of policy should be continually connected with its organic structure; that many even of its best acts should be prejudiced in the eyes of those with whom it has to deal with by being attributed to faults, undeniable faults in its structure—in short, that every discussion with respect to India should turn on questions of organic change. And here, my Lords, I am bound to say that when we come to think of it, we have no right to be surprised that such is the actual result. Do let us consider for a moment what that system of Government is, and what it is supposed to be. India is even now—there will be no change in that respect — the dominion of the Crown. But it is a dominion exercised under what is called a trust. The East India Company are said to be—such is the language of the law,—trustees for the Crown. Now, I will not stop to inquire whether there are any circumstances which justify the Crown being considered as *in statu pupillari* in regard to any part of its dominions; but there are two questions which it is natural to ask — first, who those trustees are—secondly, what are their powers? To the first question the reply is, the East India Company. But what is that Company? We know what it once was. We know that it was what its name imports, a company of merchants trading to the East Indies. In that way its authority began. through that means the Indian empire was founded. Well, but after long debates in Parliament, and arguments urged by the greatest men of former times, the opinion of those prevailed who contended that the affairs of Europe ought not to be mixed up with the affairs of commerce—and at two successive periods in 1813, and finally in 1833, all commerce was removed from the East India Company. From that moment the East India Company ceased in any intelligible sense to be what its name imported to be, and it became a mere instrument, a council to assist the Ministers of the Crown with advice in the government of India. Now, I fully admit that from this change two different arguments may be drawn. I admit that that great change destroyed many of the old arguments which used to be brought forward against the Government of the Company; for in ceasing to be a commercial body, it ceased to be liable to objections which, nevertheless, are still continually urged. But, on the other hand, the change completely destroyed all those arguments by which the expediency or necessity had been enforced of maintaining a separation between the Crown and the empire, which belongs to it; for we must always remember that in the earlier debates on this great question two dangers were feared—the danger, on the one hand, of a commercial company exercising the government of a great empire; and the danger, on the other, of connecting our Home Government with the corrupting influence and patronage of a great commercial association. But it surely must be admitted by all parties that, if the Company be no longer connected with commercial transactions, and therefore be no longer under the temptation to exercise dominion for corrupt purposes, there ceases at the same time to be any reason why a council for the Minister should go under a name which serves no other purpose than to perpetuate a misunderstanding, and preserve the name of a principle which it is

our pride and boast that we have long since abandoned. Can we be surprised that a name connected with such recollections should be a source of perpetual misunderstanding, and of consequent weakness and embarrassment to our Government.

Having now answered the question, who these trustees of the Crown are, I need not detain the House on the second question of what are their powers? The Company themselves have enabled us to answer this: in the Petition presented by my noble Friend, they say that, even if the government of India should be proved to have been a failure, the fault cannot be principally theirs, because of their inferior and subordinate authority. Was there ever such confusion in any system of Government?

These being some of the reasons for change in the structure of the Government, I ask the House to look for a moment at the effect which the recent mutiny has had in reference to this great question. My noble Friend seemed to think that the Government must bring some charge against the Directors of the East India Company —an imputation that they had been in some way the cause of the mutiny by their mismanagement, and that therefore we purposed to abolish them. But this is not the line of argument which will be taken by the Government. We may ask, however, what has been the practical effect of that mutiny? Undoubtedly that there is now and will be for many years to come not only increased attention devoted to India, but attention specially directed to many of the most difficult and delicate questions in regard to the administration of that country, which can possibly be agitated in Parliament. They will be debated with increased excitement. I entreat the House to remember what some of these questions are. Political changes in this country are, after all, matters of minor importance. They do not affect the great questions of domestic happiness, the tenure, the administration of justice, or the treatment of religion or of property. But look at the questions agitated in India. All those great subjects to which I have just adverted are, then, agitated with constant reference to the structure of the Government—again, I do not say logically, but actually as a matter of fact. The question of the tenure of land, of the administration of justice, and the relations between the Government of India and the Native Princes, as well as those to be maintained between the Christian and the Native religions, are all questions on which increased agitation will undoubtedly prevail, and to which increased attention will be undoubtedly paid in this country, and that agitation is calculated to aggravate the danger to which I have already adverted—the danger, namely, of the acts and policy of the Government being constantly prejudiced by those anomalies and faults of structure which it is impossible to deny. Thus at the very time when you require to have your Government strongly united to enable you to meet and confront agitation on great questions of policy, you will have to fight with damaged or weakened weapons. To bring home the reality of this danger, I need only allude to a celebrated speech made in the other House towards the close of last Session by a person of great political distinction (Mr. Disraeli). In a speech marked by all his ability and ingenuity, allusion was made to the so-called annexation policy of Lord Dalhousie. That question was immediately connected in that speech with a comparison between the faith kept by the Government of the East India Company with the Native Sovereigns, and the faith which would have been kept by the Imperial Crown. Now, I can conceive no question which ought to be touched in Parliament with a more delicate or abstaining hand; but I am convinced that if these discussions go on under the present circumstances they will all be debated in reference to those organic changes in the construction of the Indian Government for which so many have so long contended, and which it is impossible to deny are now demanded, not only by every consideration of symmetry and form, but by practical considerations of immediate urgency and importance, by common sense. Look at the position taken up by the East India Company themselves. They do not themselves deny that some change in the constitution of the Company, or at least in the form of government, may be naturally connected with an increased attention on the part of the public to Indian affairs, and with the circumstances in which we are now placed; but they say you ought not to make that change without some preliminary inquiry. Now, it is all very well for my noble Friend (Earl Grey) to throw over his clients as he has done to-night on this point, and totally repudiate that course; but I submit to the judgment of this House, that in dealing with

this petition we must deal with it as it comes from those whose opinions it represents. We are to consider the recommendations it makes. I heartily and thoroughly agree with my noble Friend that a preliminary inquiry into the policy of the Company, whether on the question of annexation or the excellence of their administration of justice, or their system of police, or on any of those other questions which agitate India—an inquiry avowedly made for the purpose of serving as a foundation for change in the form of government—would be productive of most injurious effects. And let not my noble Friend imagine that he escapes this difficulty by repudiating the demand for inquiry. I submit to the judgment of my noble Friend, and to the judgment of the House, that although you may prevent an official inquiry, you cannot prevent an unofficial agitation. When the admission is made by all parties that ultimately there may be, and ought to be, changes in the constitution of the East India Company—and most grave and important changes have been recommended in the speech of my noble Friend himself to-night—how can you possibly prevent this inquiry from becoming an agitation? If no official inquiry takes place, how can you prevent an agitation from springing up without inquiry? I confess, that of the two alternatives presented for our acceptance—the one by the East India Company, and the other by my noble Friend—I infinitely prefer that of the Company. The knowledge that an official inquiry was about to take place might perhaps tend somewhat to allay irritation in India. But if you say that there must be change without any clear indications of the limits of that change, and at the same time deprecate inquiry, then you will have nothing but popular agitation, both in this country and in India. There are some who think that you may have popular agitation in this country, but that there is not the slightest fear of agitation in India. But, on this point, if the House will allow me, I will refer to a letter from a distinguished servant of the Company, which has very lately come into our possession, bearing upon the point to which I am now coming. It will, no doubt, be in the recollection of your Lordships that one of the charges against Lord Canning—and perhaps one of the most scandalous of them all—was, that during the period of the mutiny he gave some civil employment to a gentleman of the Mahomedan faith, a gentleman as faithful to the Crown, and as fully impressed with the value of the English Government to India, as any of the Europeans now resident in that country. It was thought that this gentleman would be of service in the part of the country to which he was appointed; but his nomination was received with a shout of indignation from those who are called the Calcutta public. A defence of that appointment has lately come from Lord Canning—and, among other documents, the letter I now propose to read to your Lordships, from a gentleman who represents the East India Government at Patna, a city containing not far short of 300,000 inhabitants. Mr. Samuels, the Commissioner of Patna, says—

"Many people endeavour to persuade themselves that the Natives are not aware of the contents of the English papers, and that so far as they are concerned it is immaterial what appears in these publications; but this is a very great mistake. The English papers have for many years past formed the source to which the Native news-writers and the Native papers look for their intelligence of our movements and intentions. Since this revolt commenced the greatest anxiety has been manifested to learn what the English papers say, and every one fortunate enough to get hold of an English paper is called upon to translate it for the edification of large circles of listeners, who again retail the news and comments of the journals in their villages. It came to my notice accidentally the other day that the Nujeebs at Mozufferpore were in the habit of having the English papers translated to them, and there can be no doubt that whatever appears in the English papers which can in any way serve the purposes of the disaffected is speedily made known to them by their agents in Calcutta or elsewhere. To suppose that it can be otherwise is to give our enemies credit for a degree of wilful blindness and negligence which forms no part of their character. Their intelligence department has always been remarkably good, and they certainly would not neglect the most simple and obvious means of ascertaining our views and intentions."

Thus, my Lords, the writer of this letter dwells strongly on the danger to India of the passionate agitation of existing questions in the English press. If, therefore, there should be any suspense in this country with regard to dealing with the Government of India, when the necessity of some change is on all hands admitted, you may have to deal with the question under circumstances which will greatly increase the danger. I have no knowledge of the intentions of Lord Canning or of the Indian Government with reference to the relaxation of those restrictions on the Indian press which my noble Friend has thought it his duty to impose. But, in the speech which my noble Friend made

in proposing that measure of restriction, and which has been laid before Parliament, my noble Friend said it was not without great reluctance that any man bred up in the atmosphere of English public life could recommend such a measure; and I have no doubt that whenever a relaxation of those restrictions can be safely permitted he will gladly agree to that relaxation. But you will then immediately have an explosion of those passions which have been long pent up; you will have all those exciting questions to which I have referred treated with all the violence of language and angry feeling by which that press is certain to be influenced; and thus you will have questions of organic change considered at a very great advantage, if not with positive peril to the interests of your Indian empire. On these grounds, my Lords, I contend that if you have made up your minds that the structure of the Indian Government requires some change, we ought to make that change as speedily as we can. Why—what is the danger which the East India Company themselves tell you that they dread—is it not that a change of form will be supposed to indicate a change of policy. So it will be if you make it depend on an inquiry into that policy. Let us then evade this evil, not by delaying that change in the Government which is inevitable, but by making it at once, and then dealing wisely and considerately with the great questions of administration which are at issue, but which ought not to be mixed up with questions of organic change. And let me ask, my Lords, what are the objections which the noble Lord has urged to-night, or which have been urged at any time, against dealing with the Indian Government in the manner proposed—against making it in name, as it is already in reality, the government of the Crown? It is said that the result will be to make Indian affairs the subject of party contest in Parliament. I believe this apprehension to be perfectly groundless. There are two kinds of Indian questions. One is connected with the details of the administration of India, involving, I admit, matters of immense importance, but not questions of party interest in the English Parliament, and which have never been made the subject of party debate since the days of Clive and Warren Hastings. Nor do I believe that we shall ever have political parties in this country appropriating to party use Indian questions which are not connected with English interests. But there is another class of questions—constitutional questions—connected with the Home Government of that great empire and its relations to Parliament and the Crown, which have always been made, and are now being made, questions of party politics. You never have had any great debate on the constitution of the Indian Government either in the time of Warren Hastings or in the years 1813, 1833, or 1853, in which party politics have not been greatly mixed up with questions of constitutional change. As it has been in the past, so it will be in the future. Look even at what has taken place to-night. The statement of my noble Friend was one to which we all listened with great interest; but I could not help observing that there was but one really good cheer during his speech, and that came from noble Lords opposite when he referred to a point that touched the conduct of Her Majesty's Government with reference to Indian politics.

My noble Friend next, for the purpose of illustrating the supposed danger of bringing India into closer connection with the Crown, drew attention to the case of the party attack made on Lord Torrington, as Governor of the Crown colony of Ceylon, and contrasted his position with that of the Governor General of India. I must say I think that comparison entirely fanciful. In the first place, Lord Torrington was, no doubt, appointed by the Crown, but so, practically, was Lord Canning. No one will deny that the appointment of Governor General of India is practically in the Crown; and in the second place, we have seen enough of the disposition of noble Lords opposite, to entertain the accusations against Lord Canning, to feel sure if Lord Canning were to commit an act of doubtful character we should instantly have Motions of as purely a party complexion as were ever directed against Lord Torrington. I believe, my Lords, that this danger of India being made the party field of party politics is a mere bugbear. It is one of those fears that have come down to us from former times; which people have gone on repeating over and over again, until we have ceased to perceive that the circumstances are very different from those of former days, and that many of the dangers which we once apprehended may now be safely dismissed from our minds. I must refer for a moment to another of those traditionary fears.

The Duke of Argyll

I refer to patronage. Here again, I tread on the border of forbidden ground; but I will not be tempted to anticipate the measure of the Government. I entreat your Lordships, however, to remember how the case really stands with regard to patronage. The patronage in India, which is the really lucrative and important patronage, has long practically been in the Government of India, and there it ought to and will remain. The patronage which is disposed of in this country is not a patronage to place, but a patronage to service. You do not in this country appoint to places in India, but simply to service in India. The changes that took place in 1853 opened up every branch of the civil service, and now any man, from any school or college in the kingdom, may demand admission to that service if he can succeed in outstripping his fellows in the race of competition. There remains, then, to be dealt with only the military patronage; and with reference to this, I shall only remind the House that almost all parties are agreed, that one consequence of the events which have recently occurred is likely to be a great diminution in the numbers of the Native army. That reduction will, no doubt, carry with it a corresponding diminution of military patronage. But should the two Houses of Parliament on the whole be dissatisfied with the proposition which on this matter of patronage Lord Palmerston will make to-morrow, I trust they will take into their own hands the task of proposing some modification of that plan which may be made satisfactory in respect to patronage; but that they will not allow that to interfere with changes which, in other points of view, are of such vital importance to the Government of India. Before I sit down, my Lords, I cannot help adverting for a moment to one argument connected with time, which has not indeed been urged by my noble Friend, but which has been extensively used out of doors. It is said, do not, above all things, make this alteration at the present moment, for the Hindoos have a prophecy among themselves that exactly 100 years after the battle of Plassey the *raj* of the Company would come to an end. Your measure will be a triumph to the Sepoys. They will think that, as they have brought about so important a change in the Government of India, they have nothing to do but rebel in future when they have any demand to make. Now, my Lords, if the rebel Sepoys are satisfied with the change now about to take place, I am sure we may be content also; our rule will not be the less firm because it is founded in name, as well as in reality, on the authority of the Crown. I entertain no fear whatever from the events that have taken place in India that our dominion has been shaken. We have shown that the rod of empire has not departed from us, and if the Company's *raj* is now to end, it will only end in order to give way to the *raj* of that Imperial Crown—which will not cease to rule in India until one or other of two events have happened—until we shall have declined, and that greatly, from the valour and capacity of those who founded that empire, and of those whom our own days have shown themselves so able to defend it—or, may God speed the time!—until we shall have raised the people of India more nearly to a level with ourselves.

The Earl of ELLENBOROUGH: My Lords, On the subject brought under your Lordships' consideration by the presentation of this petition I have no new opinions to express; I have only to repeat the opinions which I expressed towards the close of last Session, when I distinctly stated that I rejoiced we were at the conclusion of the Session, because had we been at the commencement of it I should have feared that this great subject would have been brought before Parliament with a view to immediate and summary settlement—that is, that a measure for the reconstruction of the Government of India might have been brought forward. I thought it highly inexpedient that that great subject should come under consideration when there was no probability, from the continuance of the war in which we were engaged, that it would receive that mature deliberation which can alone bring it to a successful issue. At the same time, I distinctly stated that I held, and I still hold, that very great advantage would be derived, and that great strength would be imparted to the Government of India, if it were carried on directly in the name of the Crown. I am still of that opinion. I am still of opinion that a measure going to that extent, but to that extent only—with a very few subsidiary alterations that will be required for the purpose of carrying it into effect—would most materially conduce to the peaceful and satisfactory settlement of the difficulties in which we are involved. But I then stated—and I have always stated—that I considered a Council of India essential to its good government,

but that to be of use in the administration of the government that Council must be independent. I have always said, at the same time, that at least a portion of it should be of an elective character. My Lords, these Petitioners, the Proprietors of East India Stock, have themselves caused the danger which now threatens the Company. They have caused that danger by their own misdoings in the election of Directors. Had they been actuated only by public spirit, had they looked around them for the ablest men and men of the highest reputation in the Indian service, and placed them in the direction, no Government whatever would have attempted to touch them; they would have stood by their own strength, conciliating the affections and commanding the approbation and the confidence of the country. It is because they departed from this rule of public duty, because they looked to private interests, because they gave to canvass that which they should have given to service, that this danger has now come upon them. It was this misconduct on their part which enabled Government, without any material opposition from any quarter, to introduce into the Court at the last settlement of the Indian question six members appointed by the Crown, although in reality they have as yet only appointed five. I might in some respects question the exercise of that power on the part of the Crown in one or two individual instances, but yet no one who looks at the list of Directors at this moment but must admit that there is more strength, more reputation, and more of what can be rested on in the five persons appointed by the Crown, than in all the other thirteen. Why, of these thirteen gentlemen there are but three who had any claim whatever at the time of their election, in consequence of service in India, to be placed on the list of Directors—I do not say that some of them have not since that acquired knowledge and practice in business to render them competent persons to act in the Court. The best member of the Court I ever knew was the captain of a ship who had never seen India except from the deck of his ship; but, being an honest and able man, he made the best of Directors; and there is at this moment a gentleman in the Court who is in similar circumstances, though I have never had the pleasure of seeing him. But, my Lords, I think the time for making this change is peculiarly inopportune. If, indeed, there had been any obstruction on the part of the Court of Directors to the measures of the Government for the reinforcement of the army in India—if they had not made themselves ancillary in all respects to the Government in the objects which they carried out for suppressing the mutiny, then I say there would have been a necessity for instant legislation. Had I been the Minister, and had there been any obstruction on the part of the Court to the Government in respect to the mutiny, I would have called Parliament together instanter, and proposed a change in order to save the Indian empire. But I have never heard it suggested that there has been on their part the slightest obstruction to any measure proposed by the Government. Indeed, it is impossible to conceive that they could object; for from the commencement of these dangers in India the wishes of the Government have been of necessity supreme in the Court; they had nothing to do but to intimate what their wishes were, and at once they were adopted. It is evident that it is so, because the Government could not take one step without the concurrence of the Court, because the latter was called on to pay the men sent to India, and therefore the assent of the Company was given to the transport of every single soldier, and if the Government had sent troops beyond the 24,000, as regulated by the existing Act, they must have paid for them themselves. If there had been an objection to even one man, one gun, or one horse, the Court of Directors should instantly have been dismissed. I recollect that in 1853, when the present Act was before the House, I, differing from my noble Friend near me, said, "Let us pass the Bill: let us put our house in order; there is war looming in the distance—let us be prepared for it; let us have no great question of importance like this to divert our attention when we have to deal with a war." Next year the Crimean war took place. The Government at that time was pledged to a measure of reform; but when asked to bring it forward they said, "No, we won't introduce such a measure when we have a great war on our hands." My Lords, we have a much greater war before us at this moment, and it is at this time, when we are struggling with insufficient forces to master the enemy in that great war, that we are desired to reconstruct the whole government of India, and desired, also, to consider this very measure of reform itself. We are required at once to take to pieces the constitution of the go-

vernment of India, and also to take to pieces that important part of our own constitution which is connected with the election of the House of Commons. I know very well what will be done. I know that if this Bill is permitted to be brought in there will be constant debates—much more than the Government seem to expect—in the House of Commons. They will, at the same time, be compelled, by the unanimous clamour of the attorneys throughout the country, who are more interested than any other persons in the country in what is called a reform of Parliament, by the press which they influence, and by the pressure of a few earnest men, to bring in a measure of reform. Whenever they have brought in that Reform Bill the passions of men will be so excited that there will no longer be any attention paid to the details of the measure for the regulation of the government of India. That will be past by unheeded amid our party contests, while the government of India is slipping from our hands. But, my Lords, let me entreat you, before you engage in this measure, to consider for a moment what really our position in India is. We have been told, fortnight after fortnight, as each new telegraph arrives, that the neck of the mutiny has been broken, or that it has been crushed, or that it has been disposed of by various modes of death, and yet that mutiny and its result—a war—still exist. We have just heard that Sir Colin Campbell has taken Furruckabad. I happen to know what forces Sir Colin Campbell, General Outram, and Colonel Seaton had about the 7th of December. At that date Sir Colin Campbell had in those three corps under his hand for movement in the field about 11,000 men, exclusive of the artillerymen, who served thirty-six guns. From that period until the 20th of December 230 men a day could be forwarded by dâk carts from Calcutta to Allahabad. The whole of that reinforcement would have arrived at Allahabad on the very day—the 4th of January—on which Sir Colin Campbell took Furruckabad. He had at Benares two regiments, and he would have by that time at his disposal for field operations at the outside, without a hope of adding to them, 17,500 men. Now, we know that although the Governor General of India may have shown—Parliament says he has and Parliament must be right—energy and ability in crying out for aid as soon as he became thoroughly alarmed, and energy and ability in organizing a system of dâk carriages for forwarding this aid when it arrived, those two valuable qualities have not enabled him to provide even 5,500 men with the carriages by which alone they can move; and that, in point of fact, the Commander in Chief, after his victory, the very last time at which a General would like to stop, was detained for a fortnight at Cawnpore, because he could not move his troops. Again, is there one of the new cavalry regiments yet mounted? Has it a horse fit for service? Is there a single battery horsed? During the rains, elephants are essential to move the army through water; but none were sent until the rains were over. Again, during dry weather camels are very useful—you might have mounted cavalry armed with lances upon them—but no camels were sent for. If you have a difficulty about horses you may get bullocks; but bullocks there appear to have been none. Now, what are the operations which Sir Colin Campbell has now before him? On the left bank of the Ganges above Allahabad he holds nothing, and, except the high road from Benares to Allahabad, along which the troops move, all the rest of the country is now in the hands of the enemy as far as Benares. We hold nothing on the right bank of the Jumna. The whole of Central India is against us. The Native Princes have been faithful to us, but their armies in some instances have turned against them; and up to this moment, with the exception of the small corps under Colonel Durand, which has done excellent service, no force has been able to cross to the right bank of the Nerbudda. Saugur even has never been relieved. We have, therefore, throughout the whole of Central India, not only to release our garrisons, but to re-establish our authority and the authority of the Native Princes who have remained faithful to our rule. We have much to do at Jhansi, and we have to assist in vindicating and re-establishing the outraged authority of the Rajah of Gwalior, that noble Prince who has rendered us such signal services during this terrible crisis. For that we require an army; we have a great field before us, and what I ask Her Majesty's Government is, to consider how they are continuously to supply a sufficient number of men to enable the Commander in Chief to carry out the measures which he may deem absolutely necessary for the restoration of our authority and for putting down the enemy. We know nothing what-

ever yet of any such measures having been thought of by the Government. The noble Baron (Lord Panmure) has indeed told us that there is a continuous stream of 1,000 men a month to India; but I very much doubt whether such is really the case. All the force you can send out will be scarcely sufficient to restore our supremacy. First of all re-establish your empire. Show you have the power everywhere to put down all opposition to your rule. Stand as sovereigns of the country before you think of forming a new Government. My Lords, I venture to say that we have had to contend not only with mutiny but with revolution. Does any man expect, does any man think, that during his life an Englishman, much less an Englishwoman, will be able to pass through that great country with those feelings of security, and unattended and unprotected, with which our countrymen and countrywomen have been able to do so during the last hundred years? As to that beautiful feeling of mutual confidence which existed between ourselves and the Natives, I will not say it is gone for ever, but it is gone during the lives of living men. We shall never again, my Lords, in our time see a restoration of that happy state of things. When we read those painfully interesting letters, written by persons obliged to flee for their lives, can we have a doubt that the people, and not merely the Native army, were against them? They were hunted from village to village; they were stripped of everything they possessed in many cases, and had to flee for their lives; it was but rare that they could find a friendly zemindar who would afford them protection; it was not men hunting down men; there was a fiendish ferocity shown in the treatment of our countrymen and countrywomen to which I know of no parallel. I have read and heard of men being tortured and of outrages done to women, but I never heard before of cruelties having been practised on children; and yet, my Lords, we read of children dying of thirst, dying under an Indian sun, and not allowed to take a drop of water from a village well. That shows the intensity of the hatred which exists, and that it must proceed from some deeply-seated cause. I believe it does; and on some future occasion I will give your Lordships my view of it. From what I have heard, one chief circumstance is the apprehension excited in the Natives by the spirit of proselytism which is abroad, not sanctioned by the Government, but practised by persons in high office and with high authority, and seeming, to all appearance, to be carried out with all the mischievous results that a person well acquainted with the religious feelings of the people of India might anticipate. I know, too, there have been most cruel deprivations of property which had been entailed from distant ancestors, and that this has led to a feeling of the insecurity of property. I fear, from what I have seen and known when there, that the circumstance of further successes in the field and further annexations, and the destruction of the only remaining Power which stood in rivalry against us, has greatly increased the feelings of contempt for the Natives and led to a change in the demeanour of the English officers towards them. I know such circumstances produced a rebellion in Bundelcund, and I very much fear that to a great extent the same have had effect in causing the scenes we have heard of. I know not whether the substitution of the Queen's name for that of the East India Company would have any effect upon this conduct, which is more common among civil than among military officers, but I will tell you what I do believe the assumption of the Queen's name will produce among all the officers of the public service in India—and that is a more general spirit of obedience to authority than at present exists there. There are but few men in that country who fully understand the duty of perfect obedience. Indeed, if I might quote a few words of Latin, I might be permitted to say of them that *mandata interpretari mallent, quam exsequi.* If they disapprove any measure they are ordered to carry out, they find objections. These gentlemen do not implicitly obey orders—they send home representations against them, and these representations arrive weeks after the orders ought to have been carried into effect. I feel certain that in this respect the substitution of the Queen's name for that of the East India Company will produce a good effect. The effect will be less under present circumstances than it would have been had the old system of appointment of the civil servants by the Court of Directors themselves been continued until this time. The source of much of the bad government of India and of the lax obedience on the part of officers has been the connection constantly kept up between the civil servants in India and the individual members of the Court of Directors. The officers relied for protection upon their

The Earl of Ellenborough

friends in this country, and more especially when a Governor General was unpopular with the Court did they think they could disobey his orders without danger to themselves. All this will be swept away, and the Natives will look, with more hope than perhaps will be justified by the events, to the advantages they will derive from the change. To the Native Princes the change of system and the introduction of the Queen's name will be particularly agreeable. They will understand and respect a system of government conducted under the authority and in the name of the Queen of England. I would suggest to the Government that, putting aside for the moment, and leaving for future consideration under circumstances of general tranquillity, the more extensive scheme for altering the relations between the Court of Directors and the Crown, they should confine themselves at present to the simple measure of adopting the use of the Queen's name instead of that of the Court of Directors in the administration of the Indian Government, with only those few unimportant alterations which are necessary corollaries to the change. My Lords, I regard with distrust the measure, whatever it may be, which the Government intend to propose; I must say I always view with great distrust extemporized constitutions. Time and God's Providence alone make the constitutions of great empires. When men, in their self-sufficiency and arrogance, think they can at once strike off a constitution which is to be the foundation of the happiness or misery of millions of our fellow creatures, they are baffled by their own weakness and the littleness of mind which pretends to grasp so vast and important a subject. Such persons defeat their own objects. It is only by long practice that government can be well conducted. Were you to attempt to carry into effect the Act of Parliament without the modification, suggested by practice, the administration of the Government of India would come to a standstill in a fortnight. All the great practical advantages in that Government were introduced by the good sense of Mr. Dundas. He saw his own measure would not work, and he suggested the practical modification of it which has since prevailed. If we desire to form a good Government, when we have time to consider the question we shall have to look at the practice in various times much more than to theory, and endeavour to make as perfect a Council of India as Parliamentary wisdom can produce. The Court of Directors, and the petition which they have presented, describe a Council of India which no doubt would be a perfect one, and then they say "We are ourselves the great sublime we draw!" but it is not so. Of course an able man presiding over the Board of Control would desire to have as his Council and co-operators the ablest men the genius of Parliament could possibly give him. An able man is never afraid of an able man. What I desire is to extend largely the constituency by which the Council of India is elected. I desire to see such a Council formed as the President of the Board of Control or the Secretary of State can refer to, in which he would have confidence, and which should be a true representative of the interests of India. If we do that, time for consideration being granted to us, we shall be enabled greatly to improve the government of India, and to lay the foundations which, at all times, I have desired to see the foundations of an eternal empire in India.

LORD ABINGER said, that as far as he could understand the change proposed, it was intended to assimilate the Government of the Board of Control to the system of administration pursued towards our other colonies. He must earnestly deprecate any such change. Any one who would compare the state of our colonies with the state of India would see how much the Government of the one was superior to the Government of the other. Let them compare the rise in prosperity and greatness of India with the fate of our other colonies under our actual system of colonial Government. During the hundred and fifty years in which India had been rising in prosperity and greatness under the Company's Government our Colonial Office had lost the North American Colonies, had ruined the West Indies, had driven Canada to rebellion, and had provoked two wars at the Cape. It appeared to him that, if this system should be introduced into the government of India, the loss of India was inevitable. He agreed with the noble Earl who had opened this debate that it was impossible then to point out all the causes which had produced the late calamities in India; but he thought no one could doubt that one of the proximate causes was the annexation of Oude. That measure had the immediate effect of arraying the Bengal Sepoys against us, most of whom were raised in that country. It

was, therefore, important to this House, and to every man who took an interest in the affairs of India, that they should know to what counsels was owing that annexation; whether it was the undivided act of the Governor General himself, or the act of the Board of Control, or the joint act of the Directors and the Board of Control. Upon this part of the question he confessed that he was entirely ignorant. The public, too, were in ignorance respecting it. And it was for the purpose of dispelling that ignorance, and in order that their Lordships should, before they entered upon the consideration of what should be the future Government of India, be informed of what was the immediate cause of these calamities, that he had placed a Motion upon the paper for the production of the correspondence relating to the annexation of Oude. That Motion would come before the House on the conclusion of the present discussion, and he trusted their Lordships would afford it their countenance and support. If it should turn out that, relying upon the success which had followed the annexation of the Punjab and of Pegu —and which Lord Dalhousie had effected with great ability—Her Majesty's Government had insisted on the annexation of Oude, it behoved them, at this juncture, to take care that the same rashness which had reduced us to our recent extremity should not be applied to the future government of India. If it should turn out that the Governor General remonstrated against the annexation, and that the Board of Control had insisted upon the measure, what should they think of the wisdom of that Government which by its own hand had thus loosened and pulled down the pillar of our supremacy in India? It was for the purpose he had indicated, and not with any party object, that he should move for the production of the Correspondence between the Court of Directors, the Board of Control, and the late Governor General of India, relating to the annexation of Oude, and the Correspondence between the said Board and the Directors upon the same subject.

EARL STANHOPE said, he did not rise for the purpose of objecting to the production of the papers moved for by the noble Lord, but rather to a point of form. He merely wished to observe that there had been laid before their Lordships that night a petition of the greatest importance, and the merits of which had been declared not merely by the noble Earl who presented it, but by the noble Duke who had spoken upon it. As far as he could learn, however, owing to the forms of the House, there was no prospect of that petition being printed and circulated for the general information of their Lordships. He would take the liberty of suggesting, therefore, that these forms should be departed from in the present instance, and that a specific Motion might be made that the petition laid upon the table be printed and circulated amongst the Members of their Lordships' House.

EARL GRANVILLE: My Lords, I think it would be somewhat inconvenient that we should adopt the suggestion which the noble Earl has just made, and alter the forms of the House to meet this particular case. The rule of the House is not to print petitions, and practically speaking no advantage will result from the course proposed, because in point of fact there is not one of your Lordships who will not have a printed copy of the petition, if, indeed, it has not been furnished already. But, to pass to another subject, I may be allowed to remark that it is not a little difficult to know what the precise question is which is now before the House. Strictly speaking, that question is, I believe, the presentation of the petition of the Company, although the noble Lord opposite (Lord Abinger) has interposed his own Motion. Now, I should not wish to prolong the discussion which has taken place in reference to this petition, even if the House were more fully attended than it is; but I may be permitted to observe that the present is somewhat an inconvenient time for its introduction, seeing that the measure to which it relates has not as yet been brought before Parliament. I remonstrated with my noble Friend the other day, or at least suggested to him, that it would be better to postpone the presentation of the petition to-night; and as my noble Friend (the Duke of Argyll) has stated, some personal inconvenience has been occasioned to Members of the Government in arguing the question now. The subject matter of the petition has, however, I must admit, been dealt with by the noble Earl with the utmost fairness, while we have had the benefit of the views with respect to it which the noble Earl opposite (the Earl of Ellenborough) entertains. The case of the Government has also been stated by the noble Duke near me with singular ability and moderation; and I cannot regret that an opportunity has been afforded him of refuting some of those statements,

entirely without foundation, which have been made; such, for instance, as that the Affghan war was disapproved by the Court of Directors. Neither can I regret that an opportunity has been afforded to my noble Friend who opened this debate to state that he does not concur in the prayer of the petition, as far as it seeks that further inquiry should take place before we proceed to legislate for our Indian Empire. I was, I confess, also glad to hear from the noble Earl opposite (the Earl of Ellenborough) the expression of his opinion—an opinion which his great experience entitles to the utmost weight—that the very name of the Queen is calculated to exercise a most beneficial effect in India, to secure a more ready obedience to the law, and to gratify the Native Princes of that country. That, indeed, is the principal reason why Her Majesty's Government have deemed it necessary to bring the measure before Parliament at this moment; that they have thought it right not to change the whole Government of India, but to take measures for the simplification of a form of Government which, as had been clearly shown by the noble Earl opposite this evening, is alike in theory and practice most faulty. I will only further say that I hope both Houses of Parliament will seriously weigh the alternative advantage or inconvenience of carrying this measure, not destroying the India House, but removing the Court of Directors, and at the same time securing to the Minister of the Crown ample advice —such, for instance, as that of those men who have drawn up the petition before us—the alternative advantage or inconvenience of India being governed in India, and the other alternative of having a Government still conducted by the Company, after the great clamour which has been raised against it—after it has been condemned in a long and masterly speech by the leader of the Conservatives in the House of Commons, and the strongest possible opinions have been expressed against it by one of the ablest followers of the late Sir R. Peel, and after Her Majesty herself has sanctioned her Government in proposing the abolition of the existing form of Government

THE EARL of DERBY: The state of the House is not one which invites lengthened discussion, nor should I have risen had it not been for what has just fallen from the noble Earl opposite. It is certainly very difficult for us to canvass and discuss the provisions of a Bill of which, at present, we know nothing. With regard, however, to the presentation of the petition, I think, the noble Earl (Earl Grey) was perfectly justified in presenting the petition to-night without acting upon the suggestion of the noble Earl who had just spoken, and waiting until the Government had introduced their Bill. There is at all events a justification which does not appear to have occurred to Her Majesty's Ministers—clearly not to the noble Duke —for it is the fact, that if the petition had not been presented that night it could not have been presented at all, inasmuch as it is contrary to the rules of their Lordships' House to receive petitions bearing reference to Bills which at the time are before the other House. "Why," said the noble Duke, "did you not defer presenting the petition until after the introduction of the Bill?" But the prayer of the petition is, that no legislation shall take place, and no Bill be introduced without full inquiry. Now, if it is the intention of the Government to do nothing more than what has been indicated by my noble Friend behind me (the Earl of Ellenborough)—if they are going to make an alteration in form, and not in substance—if they are not really about to abolish the double Government—then I must say they have throughout kept the East India Company in a state of the most profound ignorance and of the most unnecessary alarm. The intimation to the Company was, that it was the intention of the Ministry to abolish the double Government of India. Could any man have supposed from such a notice, without further communication, that the Government meant to do nothing more than make a mere alteration in point of form, and that the existing machinery would be kept almost untouched, with the simple difference that the Government is to be conducted in the name of the Queen, instead of that of the Company? If this was all the Government intended in the first instance, I say they must be subjects for a lunatic asylum for not explaining their views to the East India Company. Now, it will be remembered that before Christmas, when in the Royal Speech we were told that the affairs of India would probably engage the serious consideration of Parliament, I asked the Government what they were going to do. At that time I said that I trusted that they did not intend to move for a Committee, because I concur with the noble Earl in thinking that the delay which would thus be occasioned would be very inconvenient, and that it would be

far better for the Government to endeavour to legislate on their own responsibility. The answer I received was, however, that the Government would not tell us what they were going to do, and that we must wait until Parliament reassembled after Christmas. A very few days afterwards, the East India Company received an intimation that the double government was to be abolished. The Directors asked to be informed of the main features of the measure which it was intended to introduce, but were told by the Prime Minister, as Parliament was told, that none of the details of the scheme would be disclosed until the two Houses reassembled. Now, I say that if the Ministers meant to do nothing more than what we understand they are now about to propose, they have excited unreasonable and unnecessary alarm, and, in any case, have treated the East India Company with the grossest want of courtesy. Had the measure been more extensive, it was due to the Company, and it was due to Parliament, to give them the fullest opportunity of considering it and of knowing what it was to be. On the other hand, if the measure was to be of an insignificant and formal character, then I think the Government ought distinctly to have informed the Company, and thus have removed a great deal of unnecessary apprehension. But, my Lords, the real fact is they did not know themselves—that they had not made up their minds before Parliament adjourned at Christmas. They had determined on a very extensive measure, to which they expected the East India Company and the country would submit without alarm and without remonstrance. Then they found their difficulties greater than they imagined, and at the last moment they fell back from their original intention; and, after all their big words, I shall not be at all surprised if to-morrow we find a very miserable and insignificant measure brought forward. I confess that—though of course I speak on this point with great deference in the presence of my noble Friend (the Earl of Ellenborough)—I do not anticipate such immense and immediate advantages from substituting the name of the Queen for that of the Company in India; and, at all events, whether those advantages will or will not arise, it is most unfortunate that the Government should have taken upon themselves to introduce at this moment, and under present circumstances, any change whatever in the government of India. If, indeed, the state of affairs there were that of incipient pacification, as it has been called—if peace were restored and our supremacy entire—I could understand that great advantages might be derived from the introduction of the name of the Queen as the dispenser of justice, and the person to heal the discord which has arisen. But I am sure that the Government grossly deceive themselves and the country if they either have persuaded themselves, or seek to persuade the country, that the revolt is at an end and our victory complete,—that the pacification of India can be said to have commenced, and that, according to the opinion of the noble Duke (the Duke of Argyll) himself, the proper period has arrived for the introduction of the Queen's name. I confess, for my own part, be the change proposed great or small, if it is one which raises any question of difference between the Government and the Company, I deprecate altogether the introduction of any such question at the present moment. The circumstances are sufficiently grave, the position is sufficiently difficult, and the state of affairs is quite sufficiently critical, to engross the whole and undivided attention of the Company and of Her Majesty's Government for the purpose of putting down the existing revolt and restoring the supremacy of the Crown. At such a moment, to introduce a subject of difference, which shall distract the attention both of the Government and of the Company from that common object, the promotion of which ought to be occupying their utmost energies, and which shall lead them into a contest for power, is an act which appears to me just as suicidal as if, when a vessel has sprung a leak and all hands are wanted to work the pumps, the crew should quarrel as to what course they should steer or who should take the helm. I think it perfect madness to raise such a question at such a time. But I hope the measure will be one of a much less serious character than we were originally led to expect. Very extensive changes in the government of India would require very serious and mature deliberation; and I am quite certain that for such changes the public mind is by no means prepared, nor is this the moment, nor are these the circumstances, under which the changes can be safely or properly introduced.

Earl Derby

Petition ordered to lie on the table.

House adjourned at half past Eight o'clock, till To-morrow. half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, February 11, 1858.

MINUTES.] NEW WRIT for Wicklow, *v.* Viscount Milton, now Earl Fitzwilliam.
PUBLIC BILLS—1° Church Rates Abolition.
3° Lady Havelock and Sir Henry Havelock's Annuities.

NEW GOVERNMENT OFFICES.

QUESTION.

MR. TITE said, he wished to ask the First Commissioner of Works what steps had been taken with reference to the proposed New Government Offices at Downing Street?

SIR BENJAMIN HALL said, that on the 28th of April, 1856, a Select Committee was appointed for the purpose of considering the best means of providing accommodation for the various Public Departments in the neighbourhood of Downing Street, and to report thereupon to the House.

The Committee considered the whole subject and made their Report on the 18th of July in the same year. The Committee were of opinion that it was most desirable for the Public Service, both as regarded economy and efficiency in the transaction of business that there should be a concentration of Public Offices, and that such concentration should be effected in the immediate vicinity of Whitehall and the Houses of Parliament. They suggested that a site should be acquired comprised in the area bounded by the back of Richmond Terrace and the north front of the Irish Office in Downing Street, on the north; New Palace Yard and Great George Street, on the south; the river Thames on the east, and St. James's Park on the west. It was suggested also, that by the acquisition of that property, an opportunity would be afforded without incurring additional expense to make a great opening from Whitehall to Westminster Abbey, by erecting the new buildings on each side of such thoroughfare. The Committee further recommended, that in case Parliament should sanction the acquisition of the property as set forth in their Report, the design for the different Public Offices to be erected on the proposed site should be submitted to public competition.

Such was the substance of the Report which was presented to the House on the 18th of July, 1856. Soon after that date Parliament was prorogued, and in the month of August he (Sir Benjamin Hall) received instructions from the Government to take such steps as might be necessary for the purpose of acquiring so much of the property named in the Report of the Committee as lies between the Irish Office and Downing Street on the north, Charles Street on the south, the west side of Parliament Street on the east, and St. James's Park on the west. He was also instructed to put himself into communication with the Secretaries of State for Foreign Affairs and for War, in order to ascertain the number of rooms and generally the amount of space that would be required for the services of those departments.

Having carried out these instructions, he drew up certain specifications, a copy of which has already been presented to the House, and he invited the architects of all nations to send in designs for laying out the whole of the ground proposed to be acquired in the Report of the Committee, and for erecting two New Public Offices for War and Foreign Affairs upon so much of the ground as he was sanctioned by the Government to acquire. Designs were sent in from all parts of Europe, and some from America. They were exhibited in Westminster Hall, and premiums were assigned to those which were considered most deserving, in accordance with the specifications issued.

A Bill was also presented to the House for the purpose of acquiring the property down to Charles Street, in accordance with the instructions of Government. The cost of such extension was calculated at £270,000. This Bill passed through a Committee to which it was referred, and was subsequently passed in Committee of the whole House and stood for Third Reading, when in compliance with the wishes of the House it was withdrawn, the consequence was that the whole scheme suggested by the Committee was set aside, and the only space now the property of the Government, and upon which any Public Offices can be placed or any extension of existing offices can be made, is restricted to a most inconvenient and limited site which can be acquired under an Act introduced by his (Sir Benjamin Hall's) predecessor in 1855. This site comprises an area bounded by Downing Street on the north, and a little dirty street called Crown Street on the south, and King Street on the east. There has recently been some correspondence between the Treasury and the Office of Works in relation to the erec-

tion of a Foreign Office upon this very limited area, and if the hon. Gentleman would like to move for that correspondence to be laid on the table of the House, he (Sir Benjamin Hall) would present it without delay, and the public will then see all that has taken place.

SALARIES IN THE EXCISE.

QUESTION.

MR. DIVETT said, he wished to ask the Secretary to the Treasury whether Memorials have been received in his Department from different classes of Excise Officers for an improvement in their position and salaries, and what course the Government intend to pursue with relation to the same.

MR. WILSON said, that memorials on this subject had been received at the Treasury during the last year, signed by 2,049 officers in the Excise Department. The matter had been fully considered at the Treasury, and extensive inquiries had been instituted by the Government to ascertain how far those memorials were well founded. The result of those inquiries had recently been embodied in a Treasury Minute, and the Commissioners of the Inland Revenue had been directed to frame the Estimates for the ensuing year, in conformity with the scale of salaries then decided upon. He felt bound to say, however, that it was with considerable pain that the Treasury had witnessed the public agitation promoted by these officers prior to any decision on their Memorial having been made by the Treasury. He had received many complaints from Members of Parliament, of representations having been forwarded to them by constituents, keepers of public-houses, and others over whom these officers were placed in supervision, urging them to press their claims upon the attention of Government and Parliament. Such a course of proceeding must manifestly be of great detriment to the public service. It was obvious that the discipline of the public service would be lost if public-house keepers and others who traded under the Excise Laws were to be used as instruments to influence Members of Parliament in urging upon the Government to increase the salaries of any body of public servants. The Minute he had spoken of would be laid on the table with the Estimates.

MR. DIVETT: When?

MR. WILSON said, he believed the Estimates would be ready for presentation next week, and the Treasury Minute would be laid on the table with them.

MINISTER OF JUSTICE.

QUESTION.

MR. W. EWART said, he would beg to inquire of the First Lord of the Treasury whether any measure is in contemplation for the appointment of a Minister of Justice, or for the establishment of a system of public prosecution, in accordance with the recommendation of a late Committee of the House of Commons?

VISCOUNT PALMERSTON: Sir, the question of the establishment of a Minister of Justice is one which is considered by all parties to be full of difficulty. The model upon which such a department must be framed—the Ministry of Justice in France, for instance—has functions and powers totally incompatible with the Constitution of this country. It is impossible that a Ministry of Justice, such as exists in France, could be established in this country. It has power, for instance, over all magistrates; it names them, and removes them, and it has functions which are quite inconsistent with our practice. With regard to the appointment of a public prosecutor, no steps have as yet been taken for that purpose.

MR. WARREN: Does the answer of the noble Lord refer to a Deparment of Justice as well?

VISCOUNT PALMERSTON: It has been suggested, and the suggestion is deserving of consideration, that some arrangement might be made for the better examination and preparation of Bills proposed to the two Houses. That is an arrangement which has been under consideration; there are some difficulties attending it, and I cannot say at present that there is any measure prepared with respect to it.

MR. W. EWART: My question had reference simply to legal administration. I had no such model as the French Minister of Justice in my mind.

VISCOUNT PALMERSTON: It is hoped that some arrangement may be made for the establishment of a system by which the Bills brought before Parliament may be properly examined. Of course, no department of the Government could have any control over the legislation of the country. That rests with Parliament. All that can be done is, to see that no

mistakes creep into Acts of Parliament—that provisions are not inserted clashing with enactments already in force.

METROPOLITAN TURNPIKES.

QUESTION.

MR. BYNG said, he would beg to ask the First Lord of the Treasury if any, and what steps have been taken, according to the pledge given last Session, to inquire into the practicability of removing the Turnpike Gates and Bars round the Metropolis.

VISCOUNT PALMERSTON: No steps have as yet been taken on the subject. It is a question involving a great many details and conflicting interests.

MORTALITY IN THE ARMY.

QUESTION.

MR. LAURIE said, he wished to ask the Under Secretary for War what steps are to be taken to remedy the great Mortality of the Army, especially of the Foot Guards, the Report of the Commissioners recently presented proving that two-thirds of the deaths are from consumption and other diseases in consequence of the crowded state of the barracks of the Metropolis.

VISCOUNT PALMERSTON: My noble Friend at the head of the War Department being quite aware of the great defects in the arrangements of the existing barracks and hospitals, and thinking that improvements might be made therein greatly to the benefit of the soldiers, has recommended the appointment of a Commission to inquire into the subject. That Commission, at the head of which was my right hon. Friend the Member for South Wiltshire, has made a very valuable Report, which is now in the hands of the printer, and will shortly be laid before the House, but the time since its presentation has been so short that the Government have not yet come to any determination respecting the step to be taken. The matter is, however, too important and too interesting to the country to be allowed to remain without due attention.

JOINT STOCK BANKING COMPANIES.

LEAVE.

MR. HEADLAM said, he rose to move for leave to bring in a Bill to enable Joint Stock Banking Companies to be formed on the principle of limited liability. If his request should be conceded, it would at all events give the House an opportunity of considering carefully, and after due deliberation, whether there was any solid ground for the distinction which existed with respect to liability between joint-stock banks and other joint-stock companies; and whether the time had not now arrived when it was desirable to allow persons, if they chose, to form joint-stock banking companies in the same manner as they were allowed to form other joint-stock companies. It might be that there was some special reason for the exception of banks from the rule applied to other companies; but, if there were, it was desirable that it should be clearly stated; for all the arguments that had been urged in favour of the principle of limited liability applied with equal, and he should say with greater force, to joint-stock banks. Whenever the question had been discussed, all who had contended against the extension of the principle had done so on arguments which, if valid at all, would have been valid against the whole tendency of our recent legislation. He would remind the House that, before the recess, he had brought forward a Motion in which he had sought to show the direct evil of the exceptional legislation which had excluded banks from the measures of 1855 and 1856. He should not repeat the arguments which he then used, but he would only say that recent occurrences had served to convince him of the accuracy of the views which he then expressed, and he knew that many who were doubtful then, were now satisfied with the truth of what he had urged. In 1855 and 1856 a great change took place in the laws regulating joint-stock companies. Not only was the strict letter of the law altered, but the whole spirit and tendency of our legislation was changed, and new and distinct principles were avowed and recognized. For many years—from the time of Queen Anne to the year 1825—the policy of our legislation with respect to joint-stock partnership had been that of absolute prohibition, except in the favoured instances of associations formed by charter, or a special Act of Parliament. At that time, although it was considered a sound and beneficial thing for men individually to prosecute trade and commerce, yet for them to do the same conjointly was declared to be mischievous and illegal. In fact, a conspiracy to carry on a trade was a misdemeanour, just like a conspiracy to commit the highest crimes. That law commenced with the Bubble Act, 100 years ago, and

was continued till 1825 or 1826. In the next period our legislation was almost as erroneous; for, though it did not prohibit joint-stock companies, yet, by a series of minute regulations, it endeavoured to do that for the companies, the shareholders, and the public, which they should have been allowed to do for themselves. Previous to 1826 joint-stock banks were utterly illegal. After that period they were allowed to be formed, but it was only under special regulations, one of which was that every shareholder, whether he liked it or not, should be liable for the debts of the Company, to the whole extent of his fortune. Many of the other particular regulations were now either obsolete or repealed, but that one still remained, and he contended that it had been productive of the greatest possible mischief to the public, as well as ruin to the shareholders. In 1855–56 a new system was inaugurated, and Parliament avowed in the clearest terms the principles which were to regulate future legislation on the subject. They were told, for instance,—

"The principle is the freedom of contract and the right of unlimited association, the right of people to make what contracts they please on behalf of themselves, whether those contracts may appear to the Legislature beneficial or not, as long as they do not commit fraud, or otherwise act contrary to the genuine policy of the law."

That was the basis on which the Joint-stock Companies Act of 1855 was rested. They were also told, with respect to those multitudinous provisions for the internal regulation of companies, that,

"These Acts, so far from having been the means of preventing fraud, have only afforded facilities for its commission."

And his right hon. Friend the Vice-President of the Board of Trade thus wound up a speech remarkable for the clearness of its arguments:—

"To interfere with and abridge men's liberty, or to undertake to do for them what they can do for themselves, is really lulling their vigilance to sleep, and depriving them of that safeguard which Providence intended for them, and helping fraudulent men to mislead and delude them." [3 *Hansard*, cxl. 110.]

He read these passages, not because they were the opinions of any particular individuals, but because the House had accepted them and legislated upon them, and he now asked the Government to explain the grounds on which they maintained the distinction between banks and other joint-stock companies which were then established. He found accidentally in the report of the Committee appointed to consider the currency question, that Lord Overstone was asked by the right hon. Baronet the Member for Carlisle (Sir J. Graham) his opinion as to the expediency of extending the principle of limited liability to joint-stock banks. Lord Overstone said he was a decided opponent of that principle, and could hardly be expected to give an unbiassed opinion on the question put to him. He stated, however, that if that principle were once applied to other concerns, he could not understand upon what ground it should be withheld from joint-stock banks. Lord Overstone added that he remembered having once asked the President of the Board of Trade the reason of the distinction made by the law between banks and other concerns, and that the answer was, that the distinction had existed in Acts of Parliament from time immemorial, and that to raise the question then would be virtually to stop legislation. That, said Lord Overstone, as he well might, appeared to him to be neither a very satisfactory or clear reason. But whatever might have been the reason of the distinction when first made, it was totally inapplicable now; because, in point of fact, joint-stock banks were subject to the same regulations as other companies, with the single exception that they were not permitted to avail themselves of the principle of limited liability. Having legislated in this form for one set of companies and excepted another set, what has been the result of that legislation? The principle of limited liability with respect to joint-stock companies in general had been in force from the year 1855 till now. We had ample trial of its operation in times of excessive speculation caused by abundant credit, when all the dangers which it was said would arise from the system were most likely to occur, and also of low credit and commercial disaster, and what was the result? During and since the recent panic, theories of all sorts have been started with regard to the money market, and yet not one single suggestion, so far as he was aware, had been made, in any pamphlet or newspaper, that the principle of limited liability ought to be repealed. He did not mean to say that all the companies formed on that principle had been successful; but while private houses without number had failed during the late panic, there was not a single instance of a company formed on this new basis having, by its failure, produced any wide-

spread ruin or disaster either among shareholders or creditors. But what was the case with the excepted companies—the joint-stock banks? Why, it was utterly impossible, however, for him or any other hon. Member to exaggerate the evils occasioned during the crisis by the failure of joint-stock banks, which were carried on upon the principle of unlimited liability, and a stronger argument against them than this could not be readily conceived. And, although the law had been made more just by the late alteration in the law with respect to the winding-up of those companies, yet that improvement had only tended to increase the evils arising from the principles of unlimited liability. The House was aware that not very long ago it was competent to any creditor to sue any individual shareholder in a joint-stock company for the full amount of his claim, and that such shareholder, however small might be his interest in the company, had to pay the whole of the claim. Nothing, undoubtedly, could be more unjust than that; but, perhaps, only one or two wealthy shareholders were utterly ruined by that law, while the smaller shareholders escaped. But, under the new so-called perfect law of winding-up, every shareholder paid exactly in proportion to his shares. That was right in theory; but, at the same time, it had this effect—the law came down upon the poorer class of shareholders in the first instance, so that now ten persons were perhaps utterly ruined for only one under the previous law. He had stated the nature and working of this exception to the general law, and he now called upon the Government to state the grounds on which that exception was founded. At the same time he thought he had shown sufficient reason for the introduction of a Bill on this subject. He might be told that it was not expedient to legislate until the Committee appointed to consider the laws as to banking, and to inquire into the causes of the recent failures, had reported to the House. That Committee, he thought, had little to do with this subject. When he made a Motion on this subject before the recess, the Chancellor of the Exchequer said that he would refer the subject to the Committee which had been appointed to inquire into the cause of recent failures. He (Mr. Headlam) did not think any such reference was necessary. After the crisis of 1847 a similar reference was made to the Committee which sat then; but that Committee never inquired into the principle of limited liability or unlimited liability, but confined themselves to considerations connected with currency and the causes of the crisis which had occurred. He had no reason to believe that the present Committee could inquire into the subject. He had never contended that unlimited liability of joint-stock banks had been the cause of the crisis; but it was caused by other circumstances than failure of joint-stock banks, which precipitated and aggravated the crisis. He had other reasons why he thought this matter ought not to go to the Committee. In reality, there was nothing for the Committee to inquire about; there were no facts which were not patent to the world. It was known that joint-stock banks had failed—that they had obtained extensive credit and large sums of money—but he was willing to admit that men might reason differently on those facts, and the Committee might get different opinions with regard to the working of the law. Was it desirable that the House should treat such a subject in such a form, when there were no facts, and they could only obtain the result of the reasoning of different persons? A stronger reason which induced him not to assent to the proposal for referring the matter to a Select Committee was, that the whole subject had been already investigated infinitely better than it could be by a Select Committee by the Commission upon the law of partnership, which published their report and the evidence taken before them about six or seven years back. That Commission was not contented with examining witnesses *vivâ voce*, but it circulated questions throughout the country, and procured evidence infinitely more valuable than any which could be procured by a Committee. He would not detain the House by quoting from the evidence, but he would just call their attention to the evidence of the witnesses who represented the Chambers of Commerce of two towns in which joint-stock banks had lately failed. Mr. Holland, who was selected by the Chamber of Commerce of Liverpool as a witness, stated that his attention had been called to the working of that state of things, and he found that in times, when there was little or no commercial distress, banks holding money on deposit desired to get it out, so as to realise a profit, and they discounted all sorts of bills, the consequence of which was cheap money and inflation of prices.

But when a commercial panic came the effect was exactly opposite; the depositors ran for their money, and, in short, he showed how all this reaction came out of the existence of unlimited liability. Another witness, who came from the Glasgow Chamber of Commerce, who went the other way, and adhered to unlimited liability, pointed to the Western Bank of Glasgow, which had a large capital, and a clause of the charter of which contained a provision that the bank could be wound up if it was necessary. It had amongst its shareholders men of large property, who were not likely to allow that clause to come into operation; so that the exceeding solvency of the Western Bank of Glasgow was one of the reasons why he objected to the principle of limited liability. That Commission, therefore, had collected a greater and better mass of evidence than was likely to be obtained by the Committee which was about to sit. He would next say a few words with regard to the provisions of the Bill which he asked for leave to introduce. It had been suggested to him that it would be desirable to enact that the shareholders of any bank formed upon the principle of limited liability should pay up one-half or some other certain portion of the capital, and that the remainder should be called for only in the event of the bank not being able to meet its engagements. Now such a provision, he believed, would be a wise provision for the shareholders to agree to on the formation of such a bank; but it was one thing to consider a provision a wise provision, and it was another thing to think it wise to embody it in an Act of Parliament; and he did not think that it would be desirable for Parliament to lay down minute regulations for banks, for, looking to the past, there existed clear and distinct proofs of the evil of such a course of legislation. They lulled people's attention and added to the facilities for the perpetration of fraud. What his Bill proposed was, that there should be most complete publicity as to the entire capital, so that every one might know what was the original capital, how such had been paid up, and how much would have to be paid up if the bank suspended. He did not propose rendering the publication of the accounts compulsory, for the same reason which he had stated with regard to the other suggestion, to which he had referred, but the Bill would simply place joint-stock banks, formed upon the principle of limited liability, in the same position as other companies founded upon the same principle. In order to prevent misconception, he wished to call attention to another provision in the Bill, which was that it was not intended to affect joint-stock banks which had at the present moment failed. He did not propose to deal with the past, but to prevent the recurrence of similar evils. He had brought forward the question in 1848, and he had been unsuccessful, but he could not but believe that if the reverse had been the case the evils arising from the panic in 1857-58 would have been avoided. Crises of that description appeared to recur at almost fixed intervals. It was said by some that the lesson which had been taught by the late crisis would prevent similar evils in future, but similar lessons had been taught before 1857-58, and they had proved unavailing. There had been one in 1847-48, in 1857-58, in 1837; then again in 1825; and another might be expected about 1868; and he felt sure that the present Bill would, if it passed into law, prevent the recurrence of evils similar to those which had attended previous crises. He would therefore conclude by moving for leave to bring in a Bill to enable joint-stock companies to be formed on the principle of limited liability.

MR. SLANEY said, that he wished to second the Motion. In 1851 he had obtained the appointment of a Committee to inquire into the question of limited liability in partnerships generally, and though the evidence given before that Committee did not convince them that it would be right to recommend an alteration in the law immediately, yet they had evidence with regard to the working of the principle in commercial countries, in Holland and America, and the great balance of evidence was in favour of the introduction of limited liability into this country. Although the principle was not adopted then, the reasoning given in the Report and the evidence which was before that Committee had gradually worked on the minds of thinking men, and in five years from that date he had had the great gratification of seeing the law of limited liability established in this country. But one exception was made, and that was in the case of banking companies. He would ask any man who desired that a banking company should be safe, what was the first element of that safety? Would it not be the obtaining the assistance of cool and cautious men in the direction of the company; men who would be willing to

give up large speculative profits in favour of safety to the depositors? Was it not more likely that the best men would be induced to give their attention to the direction of such banks when their liability was limited, than if they were to be liable for all their property? If that was so, you deterred and drove from the boards of direction many men whom of all others it was desirable to have there, in order to avoid the evils of rash speculation. Men of large landed and personal property would be willing to support a bank which they thought would be advantageous to the neighbourhood—would be willing to be connected with it, if they were liable only to a limited amount, instead of being liable to their last acre and their last shilling. This class of persons was prevented by the present law from being the managers of such concerns. The general policy of the House had been of late to remove all shackles and restraints from trade; and when it was shown that there existed such impediments in our banking law as prevented cool and cautious and able men from joining banking concerns, he thought that, in compliance with the current of recent legislation, the House ought to allow this Bill to be brought in. Every one must be glad to see the great increase of personal property which had taken place in this country of late years, but there was not a fair field of desirable investment for that property; and as its investment in this country was prevented, it was driven to investment abroad. It was calculated that there had been an increase of personal property in this country amounting to seventy millions a year. We had of late had few or no wars, and although for a few years 300 millions of investment had been opened by means of railways, yet that source was almost concluded, and, therefore, every facility should be given for the safe investment of capital.

THE CHANCELLOR OF THE EXCHEQUER: It will be in the recollection of the House that this is not the first time, during the present Session, in which this subject has been brought under its attention by my hon. and learned Friend. On a previous occasion he moved, not for leave to introduce a Bill, but a Resolution expressing a strong and decided opinion upon the policy of adopting limited liability in relation to banks, and binding down the House to a sort of *formula* on the subject. I then, with other hon. Gentlemen, avowed my reluctance to have such a species of test administered to us; and the result was that, on a division, the House refused to agree to the Motion. But now my hon. and learned Friend has altered his course. He asks us to make no specific declaration of opinion, but simply to allow him to lay on the table a Bill on this subject. I, for one, am quite prepared to assent to that proposition; and I wish, at another stage, to give a most fair and mature consideration to the detailed plan of my hon. and learned Friend. But, having acquiesced in his Motion, I would merely now observe, that there are some material points connected with this matter to which he has not adverted in his address. He has not, I think, given sufficient weight to the important distinction between banks of deposit and banks of issue, and the different position of a noteholder and a depositor. And I still retain the opinion which I formerly expressed—that it is doubtful whether it is reasonable to deprive the noteholder of the unlimited liability of the shareholders, although the depositor may not require such a security. A depositor makes a specific contract with a bank, and may be contented to accept the limited liability of the shareholders. He enters into the contract with his eyes open; and I don't see, upon the grounds of legislation adopted by this House, any cogent reason why he should not be allowed to exercise his discretion. But with regard to notes, there is a considerable difficulty; because the note of a country banker, though not a legal tender, nevertheless practically discharges the functions of money. If a retail trader, or a person selling in the market of a country town, refused to accept the notes of a country bank current in the neighbourhood, he would take a step contrary to general usage and displeasing to the persons with whom he was dealing, and the consequence would be that he would run the risk of losing their custom. A trader, therefore, finds himself practically in a position in which he is not able to refuse such notes, if tendered to him in payment of a debt. He takes the note, not on the credit of the person who tenders it to him, but on the credit of the bank; and he can hardly be said to have much real choice as regards the acceptance of these notes. Therefore, there seems to me to be a clear practical distinction between the case of the depositor and that of the person who accepts the notes of a company. This is a point upon which I think my hon. and learned Friend is bound to satisfy the

House, before we agree to pass his Bill. Another question requiring some consideration is this—supposing this license for limiting their liability to be granted to banks, is it probable that they will avail themselves of it to any considerable extent? I believe, from all the information I have on this subject, that the joint-stock banks of deposit obtain the large deposits they now hold very much from the circumstance of the unlimited liability of their shareholders. I greatly doubt, for example, whether the great joint-stock banks of London, and of some of the large provincial towns, would be able to hold their present amount of deposits, if the liability of their shareholders was limited. But if the knowledge, that there is at the back of these banks a large body of shareholders having unlimited liability, and many of them being extremely wealthy, is an inducement to depositors to intrust their money to them, is it likely that many of those banks would be found to limit their liability at the imminent risk of diminishing their deposits? I am not convinced that, if we make the alteration of the law now proposed, it will have as much practical effect as many hon. Gentlemen seem to expect. However, that is an argument which may also be used in favour of the measure, inasmuch as, if it is not likely to be operative to a considerable extent, the experiment cannot be a very dangerous one. Still, these are points which can be discussed on the second reading; and, as I have already said, the Government do not object to the introduction of the Bill.

Mr. BAXTER said, he was glad that Her Majesty's Government acceded to the introduction of this measure, and he hoped that on its second reading the whole question which it raised would be ventilated. The subject was one on which very grave misapprehensions existed in the country. After the experience of the last autumn he would be a bold man who would deny that undue confidence had not been bestowed on joint-stock banks by the lenders of money, simply because their shareholders were responsible to their uttermost farthing. It was notorious that of late years capitalists had been in the habit of looking, not to the prudent management of these banks, but to the amount of capital held by their shareholders. Unlimited liability induced the managers and directors of joint-stock banks to carry on a much larger business than was warranted by their capital,—in fact to trade not upon the paid-up capital, but upon the private resources of their copartners, and this had greatly aggravated the evils of the late commercial crisis. He could see no sound principle upon which the Legislature ought to interfere to dictate the terms upon which one man should trust another, nor could he understand why limited liability which had been declared to be exceedingly good with regard to all other articles, should be declared to be exceedingly bad when you came to deal with money. He believed that the late crisis had been brought about much more by the action of joint-stock banks than by the currency laws, for they had caused a great portion of the overtrading to which the late disasters were mainly attributable. The truth was, that the high rate of interest offered to depositors in the joint-stock banks caused capital to flow into them which ought to have found its way into other channels, and thus it was that the managers of those institutions were enabled to make such large advances to private individuals. The Chancellor of the Exchequer had expressed a doubt as to whether persons would avail themselves of the principal of limited liability in regard to banks. To this he (Mr. Baxter) replied, by quoting the experience of the United States. Both in the New England States and that of New York there were banks founded upon both principles, but those in which the liability was limited were the best and safest concerns in the country. Believing that the distinction which his hon. and learned Friend wished to abolish was indefensible in principle and prejudicial in practice, he was very glad that the Government had assented to the introduction of this Bill, and hoped that they would support its second reading.

Mr. HANKEY said, it appeared to him that the right hon. Gentleman the Chancellor of the Exchequer had entirely conceded the principle on which the Bill was founded. His hon. and learned Friend (Mr. Headlam) did not, as he understood him, wish to interfere with banks of issue; and the question involved in the condition of these banks might be best decided hereafter, when the Committee, which were about to reassemble, should have drawn up their Report or published their evidence. It was with banks of deposit only that the measure then under their consideration would deal. He had never heard any reason why a distinction should be made between banks and other trading

The Chancellor of the Exchequer.

companies as regarded the liability of their shareholders; and, indeed, he thought that the principle of limited liability which had been applied by the right hon. Gentleman the Vice President of the Board of Trade to all other commercial concerns, should be adopted with more rigour in the case of banks. The Chancellor of the Exchequer had expressed a doubt as to whether unlimited liability was not necessary to secure the confidence of depositors. He thought that this doubt was completely answered by the experience of the charter banks of Scotland and of the Bank of England, which were all conducted upon the principle of limited liability. The enforcement of the principle of unlimited liability had the effect of deterring the great mass of respectable and cautious men from connecting themselves with establishments conducted on that basis. He believed that every large capitalist who had ever had anything to do with banks founded on that principle had lived to regret his imprudence. All that the advocates of the limited liability principle contended for was, that capitalists and the public should have the option of establishing or of dealing with the one or the other description of bank; and there was surely nothing unreasonable in such a demand.

MR. DRUMMOND said, that he would not then enter into the merits or demerits of this measure, but, as he generally heard more exceedingly loose expressions upon the subject of currency than upon any other question, he wished to put the House on its guard against several loose propositions which had been advanced during the discussion. The hon. and learned Member for Newcastle (Mr. Headlam) had reminded the House that for a long period panics had occurred every nine or ten years. Now, he (Mr. Drummond) recollected the first of those great discussions which took place in the year 1810, and he could not forget that at that time it was distinctly proved that the distress had been brought about by the over-issue of paper by the Bank of England. The Bank of England had not over-issued since that time. The recent distress had been produced by the over-issue of bills, which was as completely an over-issue of paper, and tended as completely to produce speculation, as any other issue. The joint-stock bank, with limited liability, was simply this:—A hundred gentlemen put in so much money and then began to issue bills, having no basis whatever—having no business whatever. They did not manufacture anything, nor were they merchants employed in transferring a manufacture from one place to another. They were manufacturers of paper money—they were the flyers of kites on a large scale, and that was the whole of their business. They set up to obtain credit upon this new principle—to find out a great number of persons who were gudgeons enough to trust them. Hon. Gentlemen were not perhaps aware that an increase of paper money defrauded all the labourers in the country; the only thing thought of at such times was, what effect would be produced in the City, and how many merchants and manufacturers would break. The other day, when the Bank was authorised to issue paper money for the relief of certain gentlemen in the City, the effect was to raise taxes without the consent of Parliament, and make the labourers pay for that with which they had nothing to do. So far from thinking it a righteous thing for gentlemen to lend their names to banking establishments, without making themselves responsible, he held it to be a most dishonest fraud. What was the case with respect to the Glasgow Bank? The Glasgow merchants got out of it, and at whose expense? Why, at the expense of the labourers of Scotland. He only threw out these matters for consideration, and he rejoiced that, as 1810, there was a Ricardo to instil sound principles into the minds of the people, there was now an Overstone who would inculcate the same principles with equal or greater clearness.

MR. ELLIOT observed, that there were no banks of limited liability in Scotland, and that the depositors in the banks where the liability was unlimited had not lost anything in the recent crisis.

MR. MALINS said, he was glad to find that his hon. and learned Friend the Member for Newcastle had embodied the principle for which he contended in the shape of a Bill. The subject was a most important one, for it seemed to him that the experience of the last few years afforded the most convincing proof of the unsoundness of the principle of unlimited liability applied to banking. Nothing could possibly be worse than the operation of that principle had been. His hon. and learned Friend the Member for West Surrey (Mr. Drummond) had given a definition of banking which must have astonished every one who had any acquaintance with the sub-

ject. It was certainly quite new to him (Mr. Malins) to hear that it was part of the business of banks to fly kites. No doubt bankers as well as traders might employ themselves in doing so, but it was not part of their business. The great mischief in the unlimited system was, that it deterred many men of prudence from taking shares in a joint-stock bank. Some of the London joint-stock banks had deposits to the amount of fourteen or fifteen millions, and every shareholder was liable for the whole amount, and yet he felt convinced that those banks would obtain just as much credit as they now did if their liability were limited. The true principle was to have the business conducted on a prudent system. He could not see any difference between the principle on which the business of bankers ought to be conducted and other traders. It had been objected by the Chancellor of the Exchequer that it would be dangerous in country towns to allow banks of limited liability ts issue notes, because the small traders there would be obliged to take their notes. But there was nothing to prevent such a trader going, if he liked, to the joint-stock bank and demanding in exchange for its notes Bank of England notes or gold. The difficulty, however, as had been pointed out by the hon. Member for Peterborough (Mr. Hankey), did not arise; because, until the law was altered, a new bank of issue could not be established.

Again, if the objection taken by the Chancellor of the Exchequer were sound, there was no reason why banks of limited liability could not be confined to being banks of deposit. It was not, as had been stated, attempted to force upon the public banks founded on the basis of limited liability. Limited liability was allowed in other trades, and why should not the same right be granted to banks? The public were not sought to be forced, but they might choose whether they would go to a bank of limited or unlimited liability. Just as at present, in the case of other trades, there would be a notice over the door that a bank was limited. At present the system of unlimited liability was only a snare to the public; and there were many shareholders who could not pay anything. Men of prudence and integrity were at present debarred from having anything to do with joint-stock banks, and if the opposite principle were adopted they might reasonably expect that these establishments would conduct their business in the most careful and prudent manner; and a great public good would thus be accomplished. On these grounds he gave his cordial support to the bill.

Mr. DRUMMOND said, he wished to explain that he did not mean to say that it was the legitimate business of bankers to discount bills; but he said that many banks resorted to the system of flying kites to make their business pay.

Mr. J. C. EWART said, that he was connected with a joint-stock bank in Liverpool, and that he had never heard of any joint-stock bank, properly conducted, flying kites.

Sir JOHN SHELLEY said, that he also must be allowed to differ with the hon. Member for West Surrey (Mr. Drummond), for in his opinion it was the business of banks to discount bills, but not bills that were kites. It was, however, of the greatest importance in the management of Joint-stock Banks to get fit persons to devote their time and to carry on the business in a proper way. At present there was the greatest difficulty in inducing such persons to join; and, connected as he was with a Joint-stock Bank in London, he knew that it was greatly desired to have an inducement to such persons to become shareholders.

Mr. HEADLAM said, that in reply, he would only advert to one objection which had been raised by the Chancellor of the Exchequer as to the difficulty connected with banks of limited liability being banks of issue. At present, as the law stood, it was impossible for any future bank to be a bank of issue. It might be expedient that there should be more banks of issue, as at present the banks of issue were very few. It was not, however, necessary now to discuss the question, and it might be reserved for the Committee. If the House should not think it expedient that the privilege thould be extended, he should be quite content.

Leave given.

Bill to enable Joint-stock Banking Companies to be formed on the principle of Limited Liability, *ordered* to be brought in by Mr. Headlam and Mr. Joseph Ewart.

EDUCATION (ENGLAND).

COMMISSION MOVED FOR.

Sir JOHN PAKINGTON: Sir, I rise to move that a humble Address be presented to Her Majesty, praying that she will be graciously pleased to issue a Commission to inquire into the present state

of popular education in England, and whether the present system is, or is not, sufficient for its object; and to consider and report what changes, if any, are required for the extension of sound and cheap elementary instruction to all classes of the people. If I were to consult my own personal feelings only, I should yield to the reluctance I feel again to invite the attention of the House to the subject of national education. But I hope the House will kindly and indulgently oblige me in this matter. I am only actuated by a paramount sense of public duty. I know how unwilling the House always is to hear the same subject repeatedly pressed on your attention by the same Member. But I trust you will bear in mind, that although this is a subject which has no political bearing in a party sense, it is one which directly affects the highest interests of a most numerous and most helpless class of our fellow-subjects. I hope you will consider that after the part I have taken on this question, I may fairly think it my duty to make an appeal to the newly elected House of Commons on this very interesting subject. In bringing it again under the notice of the House, I have at least this claim to your attention, that I intend to conclude my observations with a proposal totally different from any of those which I previously submitted to your consideration. I beg also to say that I shall compress within as narrow a compass as possible my statement of the grounds on which I am about to ask the House and the Government to consent to what is undoubtedly a very important step in this matter. I do not think it necessary to go into any of those details, which upon former occasions I have thought it necessary to address to the House with a view of establishing the educational deficiencies now existing. In the year 1856, when my noble Friend the Member for London brought forward his Resolutions on this subject—and in referring to the part taken by my noble Friend I cannot refrain from expressing my grateful sense of the frankness, the courtesy, and the kindness which I have uniformly received from him in this matter—in the year 1856 my noble Friend did me the honour of referring to the statements which I made in the previous year with respect to the deficiencies in our system of national education, and which had then, I believe, been very generally regarded as great exaggerations. My noble Friend declared that he had verified those statements, and that he had found them fully supported by authentic documents. He added, that he should not deem it necessary to repeat those statements, but that he should assume their correctness; and I repeat it is my intention to adopt the same course upon the present occasion. I will now only remind the House of the nature of the evidence on which I before relied. I referred to the reports of gaol chaplains for the purpose of showing the appalling ignorance of the class, not exclusively the criminal class, which came under their special observation; I quoted the statement of Mr. Clay, the chaplain of Preston Gaol, from which it appeared that 40 per cent. of those with whom he had been brought into communication were ignorant of the name of the Saviour, and that 60 or 70 per cent. of their number were ignorant of the name of Queen Victoria. I referred to evidence showing the state of the children which are brought into our workhouses. I referred to other evidence for the purpose of showing that a vast amount of gross ignorance prevailed among a very considerable portion of the inhabitants of London, and of Manchester, and our other great manufacturing towns. I also substantiated my position as to the rural districts by the evidence of the Inspectors of Education and of the Diocesan Inspectors. I quoted the statement of the Dean of Hereford—a man whose name is well known and highly respected by every one conversant with the educational question—as to the state of his county; and I also read from persons of unexceptionable authority accounts of the amount of ignorance to be found in the diocese of Bath and Wells, the county of Wiltshire, and in other parts of the country. Those statements, which were taken from official sources, were not contradicted, and I believe I may now take them as incontestable. I have, therefore, a right to assume, first, that there are large masses of our population in a deplorable state of ignorance; and, secondly, that there are considerable portions of this country, both in the rural districts and in the towns, where there are either no schools at all, or where the schools are so inefficient as not to be adequate to the purpose for which they are intended. I pass, therefore, briefly over the evidence with regard to the actual state of education; but if there is one portion of that question to which I

hope I may be allowed to refer, I wish to direct the attention of the House for a few moments to some of the last reports of the educational Inspectors which were laid before us last summer by the Committee of Council on Education. One reason why I now allude to them is that they afford what I believe to be a satisfactory answer to an assertion which may be urged against this Motion. It may be said that we have no need of any further information upon this subject, as the reports of the Inspectors convey to us all the knowledge which we can reasonably desire. ["Hear!"] I am glad to hear that cheer, as I believe I could not produce better or stronger evidence in favour of the necessity of such an inquiry as that for which I now move, than what these reports contain. Another reason why I quote this evidence is, that it is the most recent and the most reliable which it would be possible to produce. The first report to which I will refer is that of Mr. Stewart, the Inspector for Cambridgeshire, Bedfordshire, Huntingdonshire, Hertfordshire, and Buckinghamshire. That gentleman says:—

"The few facts thus brought together force nto prominence the difficulty already mentioned of maintaining in remote agricultural places the means of good education. Yet it may be said, without fear of contradiction, that these are the very spots where schools of the highest order ought to be maintained at any cost.

"This return (alluding to a return of the attendance of children) proves too clearly what has been said already, that very few elementary schools in rural districts even pretend to any great efficiency, and that the children attend them with such irregularity that very little progress can be made in their mental development. If any well-matured system of education were operating in this country the whole grant would be insufficient for the demands of the one district to which this report refers.

"But how is education to be provided for the thousands of poor parishes which are found in England? The poor and ignorant are the very people who require, more than others, the help that a simple though sound education furnishes, but their poverty prevents them from providing schools even if they wished for them, and their ignorance of the value of instruction makes them content to sink lower and lower in the scale of social life, and to grudge to pay for what they cannot appreciate."

Mr. Warburton, the Inspector for Berkshire, bears similar testimony with respect to the state of the schools in his district. I will next quote the evidence of Mr. Mitchell in reference to the state of the schools in Norfolk, Suffolk, and Essex. Mr. Mitchell says that out of 205 schools which he had inspected,

"Forty-one, or about one-fifth per cent, were excellent; thirty-five, or about one-sixth per cent, were as bad as they could be, and it would be a great advantage if they were put an end to; and the remaining 129 were more or less deficient, some being progressive and others retrograding."

I will now pass to the report of Mr. Bellairs, of whose perfect competency to pronounce an opinion upon this subject I can speak with confidence, because he is the Inspector in that part of the country with which I am myself specially connected. I believe there is none of the Inspectors more cautious than he is in his statements, or less disposed to advocate any extensive change in the present system.

"I have again to express my regret at the partial extent of your Lordships' operations. There are, at all events, very many places in which there are inefficient schools. This is the case quite as much in the towns as in the rural districts. How far the extension of the capitation grants to towns will meet the difficulty remains to be seen. I have few statistics to produce on this head. It is much to be wished that a trustworthy inquiry into the educational deficiencies of the country could be made. At present the statements on this subject are so vague and contradictory that it is almost impossible to arrive at anything like an approximation to the truth."

Now, I am sure that my right hon. Friend will not contradict what I allege, that Mr. Bellairs, one of Her Majesty's Government Inspectors, is such person as I have described; and he himself states how desirable it is that we should have some further inquiry into the matter. Will the House permit me to read a letter which I have received this morning on the subject? I have no acquaintance with the person from whom this letter proceeds, but he is a clergyman holding a cure in the populous district of Bethnal-green, in this city. It has only been in my hands two hours; but I think the House will say that it bears strongly on the proposal which I am about to make. It is as follows:—

"St. James's Parsonage, Bethnal Green, Feb. 10.

"Sir, I beg you will pardon the liberty which I take in communicating to you the fact that the boys' school of this new parish, containing nearly 200 boys, was obliged to be closed for want of means nearly two years since, and that there appears no prospect of its being re-opened under the present financial system. Having been an anxious promoter of education for fifteen years I am deeply pained, and should hail the prospect of a sifting inquiry into this and such cases as a happy omen. Those schools which are kept open in this neighbourhood, are for the most part deeply in debt, and the clergy groan under the burden. The use of this statement is entirely at your discretion, if it can be of the least service in the cause.

"I am, Sir, your obedient servant,

"EDW. F. COKE, M.A., Incumbent of St. James's, Bethnal Green."

Now, Sir, I can hardly offer to your consideration a more touching statement of the state of educational destitution at present existing even in the metropolis than that which I have just read to the House; and it is fully confirmed when I mention that in the report of the able Inspector of the great county of York, Mr. Watkins, it is stated that out of the twenty-two educational districts in England there are only two in which the expenditure for the support of the schools does not considerably exceed the income. I am quoting from memory, but I believe quite accurately. Mr. Watkins's statement is, that in the last year but one the general average of the excess of expenditure over income in these twenty districts was not less than 6 per cent., and that in the last year, 1856-57, it had increased to $7\frac{1}{2}$ per cent. If that is a correct statement, and I think few will be disposed to doubt the authority, coupled with the able remarks of the Inspector, surely it would alone amount to a proof that some additional means are necessary to correct such an unpromising state of affairs. Another most serious matter of consideration, and which has excited the greatest attention lately among the promoters of education is the extremely early ages at which children leave school, and the impossibility of continuing any satisfactory system of education after they have so left. Mr. Watkins tells us that this is the great evil felt in the district of York at the present moment, and his figures go to show that an overwhelming proportion of the children at school are under ten years of age, and, what is worse, that for some reason or other, this evil is increasing. It is increasing from year to year, and I beg to press on my right hon. Friend that a stringent inquiry into the subject would alone be sufficient to enable us to afford the remedy. For some reason or other, what it is I don't profess myself to be aware, the proportion of children at school over the age of ten years has for a considerable time, and year by year, become less. I hold in my hand, if the House will allow me to refer to it, a paper containing some statistics on education furnished by Mr. Lingen, the able Secretary of the Educational Board, which has been furnished to me by the courtesy of my right hon. Friend opposite (Mr. Cowper), and which contains the most valuable information with respect to the early age at which children leave school in this country. I found some remarkable facts which surprised me, and I think will surprise most of the hon. Members of this House. This paper gives a statement of the per centage of children above ten years of age who were at school in each year from 1850 to 1857 inclusive, and I find that in 1850 that per centage was thirty-seven and a fraction; but that, with one exception, this per centage has from that year down to 1857 been becoming gradually less each year. The only exception was in 1852, when the per centage was thirty-nine and a fraction. With the exception alone, the per centage has got gradually less, until I find that in 1857 it has sunk down to twenty-seven and a fraction. I think, Sir, that the fact that such a reduction having taken place in the per centage affords a strong proof that a most serious inquiry into the matter should be made. I cannot help referring for a moment to a paper which has been placed in my hands this morning, not founded upon official authority, but giving some most valuable information, which, I have every reason to believe, is accurate. It is a paper by Mr. Keith Johnson, the Geographer to the Queen in Scotland; and in this document I find a diagram giving a comparative statement of the per centage of the population of various countries in Europe between the ages of seven and fourteen, who are receiving instruction at school. The paper specifies seventeen countries; and I am sorry to see that England stands as low as tenth in the list. Saxony is the first; for I find by this document that in Saxony, within a minute fraction, the whole of the children at that age are at school. Next comes New England, in the United States, where the per centage is ninety-five; then Holland, ninety-four; next follow in their order Prussia, Switzerland, Denmark, Sweden and Norway, Belgium, Austria, Scotland, and then England, in which the per centage of the population at school at the age I have mentioned is, I am sorry to say, only forty-five. Is not that a startling statement? And yet, though not official, I fully believe it to be as near an approximation to the actual fact as it is possible to obtain, without having access to official documents. I think I am justified in saying that this is most unsatisfactory to the friends of education in England. Well, Sir, on that state of facts, I think I am justified in asking, in the first place, whether Parliament ought to allow it to continue without

an attempt to remedy it. Are we, as representatives of the people, to fold our arms in this great matter, or is it not, on the contrary, our bounden duty to address ourselves seriously to remedy a state of things so little to the credit of England? Ought we not to endeavour to put England on a par with other civilized countries in respect to education? I go further—I say on a par with other portions of our own country, for it appears that Scotland stands above England in this respect. Again, quoting from memory, I remember the noble Lord, whose speech I adverted to, in 1856 saying that in one parish in Scotland he had asked the minister how many young children were uneducated, and the reply was, that there was not one in that parish above the age of seven years but could read. In Holland there was an admirable system; in Canada there was an admirable system; and with respect to Australia, it was only a few days ago that he was informed by a gentleman who knew the colony well that they were most anxious to establish a good system of education, which should reach all parts of the population. I ask, then, whether it is not becoming in us to address ourselves seriously to the question whether this state of things is to continue so?—whether it is not incumbent upon us to provide some method which will place us in a creditable position. Does the House suppose that this is a question in which little public interest is manifested? Never was a greater mistake, although I am sorry to say that—and I say it without intending offence to any one—I believe that if less interest is felt on this subject by one portion of the country than another it is that portion which is comprised within the four walls of this House. The candid student of history must admit that it is one of the defects of our Parliamentary system that we are too prone to devote our time and attention to party struggles in this House. And, on the other hand, that we are not prone enough to direct our attention to those matters which, without touching on party struggles, affect only the welfare and the interest of the people. But, Sir, I can show to the House very strong proofs of the interest which is felt on this question out of doors. I can show that it is by no means diminishing. The men who support the cause of education are not noisy politicians; they are not a class striving to obtain political advantages for the interest of political parties; but they comprise a most important portion of the people—a class who help, in a great measure, to form that public opinion to which we all defer; and to show you that the subject has not lost any of its interest with them, I need only to refer to that great conference which, under the patronage of His Royal Highness the Prince Consort, was held in this metropolis last summer. I am not aware whether there is any hon. Gentleman here who assisted at that conference. It was held especially to consider the question on which I have touched, namely, the early age at which children leave school, and the remedies which could be devised; and I never saw during the three days that the meetings lasted, a greater display of interest by persons of influence and intelligence from all parts of the Kingdom, than was shown on that occasion. People took the trouble to come from all parts of the Kingdom to London to read papers and give every information in their power on this vital question of education. One important question raised before that conference was whether the half-time system might not be beneficially extended with a view to the promotion of education. We all know what a difficult question that half-time question is. It has been broadly asserted that although it had been extended to some, it could not be extended to other branches of manufacture, and still less could it be extended to agricultural districts. I must confess that upon the subject I speak as a prejudiced person, but still I am very sanguine that to some extent at least the half-time system may be extended with regard to the agricultural districts. The hon. Member for Nottingham has set an admirable example in that respect, and introduced a practical alteration with great success. My noble Friend Lord Hatherton has also introduced and nobly supported a system of half-time on his estates in Staffordshire. Still, there can be no doubt that the early age at which children leave school still remains one of the most difficult questions of the present age, and also that although we all desire to see the extension of the half-time system, it is full of practical difficulties. Whether or not we can extend that system, few will doubt that the whole question is one that demands the gravest inquiry; and indeed I know no mode in which we can arrive at a solution of the difficulty but by such investigation. It is, indeed, one on which it will be exceedingly difficult to attempt legislation without previous in-

quiry. But, Sir, there is a still more recent proof of the interest felt in education by the people in the recent proceedings which took place at Birmingham, on the establishment, under the presidency of Lord Brougham, of an Association for the Promotion of Social Science. I had the honour on that occasion of presiding over one of the sections of education, another was presided over by my noble Friend the Member for Lynn (Lord Stanley), and the noble Lord the Member for the City of London (Lord John Russell), presided over a third. Every one who was present on that most interesting occasion must testify to the deep interest felt by the masses of that important district in the cause of education. My hon. Friend the Member for Huddersfield (Mr. Akroyd), than whom no one had made more noble efforts for the promotion of education in his district and at his own extensive works, was present at that conference, and he can bear ample testimony of the accuracy of what I am now saying. No delusion can be greater, therefore, than to believe that because the table of the House was not loaded with petitions, or because educational questions did not fill the benches, the people do not feel a deep and sustained interest in the subject. Well, Sir, having established, as I hope I have done, the principle, first of all, that the educational state of England is not satisfactory, and having established the fact that the people, out of doors at least, feel the greatest interest in the subject, I say that I am justified in asking this newly-elected House of Commons whether it is not incumbent to make some effort for the solution of the difficulty. Then, if I am right so far, the question arises in what mode can we best and most effectually legislate? The House will not for a moment suppose that because I am now moving for an inquiry I am at all departing from any opinions which I have previously expressed—that we are not competent at once to proceed to legislate. As far as I am concerned I should have no hesitation in doing so. But the question is whether, looking at the experience of the last two years, such an attempt at legislation is likely to be successful. I think it is perfectly clear that Her Majesty's Government is not disposed to legislate on this question. I think they ought to do so; but I speak in no spirit of censure, for I do not believe that if they were to be succeeded by any other Government, that other Government, as the question stands at present, would be disposed to legislate upon it. Well, Sir, although I ventured to introduce a Bill on this subject in 1855, and another in 1857, yet, from accidental causes, no decision of the House was ever obtained on either of those Bills. The Bill I introduced in 1855 led to very lengthened debates. I was, however, in the position of an independent Member, and the discussion went on through Wednesday after Wednesday until, from want of time, I was unable to take the sense of the House upon it. With regard to the Bill of 1857, I did not ask the House to express its opinion, but the dissolution took place, and I was prevented from obtaining it. But in the interval between those two years, in 1856, the noble Lord the Member for the City of London, who—although I say so without any offence whatever intended to others—it has always appeared to me was defeated rather by feelings, passion, and prejudice, than in consequence of sound argument and judgment—[Lord J. RUSSELL: "Hear!"]—brought the subject forward; still, I do say, and I believe that my noble Friend will agree with me, that whatever may be the feeling of the present House of Commons, the proposals brought forward in the last Parliament, either by myself or by the noble Lord, would, had any decision been taken upon then, have been rejected. I say that without shrinking from the avowal of any opinions I have expressed. I merely brought them forward as embodying my own views, but I was always conscious of the difficulties of the question, and never supposed that hon. Members would pass those Bills into a law. My object was to obtain a declaration of Parliament on certain principles, and to put into shape the views which I myself entertained upon the question. I am justified on the whole, therefore, in saying that as the question at present stands there is no immediate prospect of legislation. Then I address myself to the question of whether we can reasonably expect that the present system, under the Committee of Council, and under the grants from Parliament, can be so advanced as to meet the educational requirements throughout the country, and I have no hesitation in giving my distinct opinion that we cannot. I speak with great reserve and great caution on this subject. I am as conscious as any man in England of the great advantages this country has derived from the Committee of Council and the annual grants. I have traced with satisfaction the gradual growth of those grants,

and the action of the Committee of Council, for whether their administration has been satisfactory or not, beyond all doubt they have done much to advance and sustain the cause of education in this country. We have now a responsible Minister of Education in this House, and therefore we have reason to expect those grants will be prolonged, and that action extended and increased. But if I remember right, the noble Lord the Member for the City of London, in his speech in 1856, told the House that, having taken a prominent part in the establishment of the Committee in 1839, it was not the object of those who founded the system to supersede all voluntary efforts, and every other description of aid throughout the country, but to establish a nucleus for the promotion of education, and not that it was to be the sole means of promoting it. [Lord JOHN RUSSELL: "Hear, hear!"] The noble Lord assents to the correctness of that opinion, but as I pressed strongly on the House last summer, so I now press upon them whether the grant of the Committee of Council has not grown to an extent far beyond what was originally intended; and, useful and valuable as it is, whether it can be extended further with safety to the public interests. The amount is voted annually. Last year it was between £500,000 and £600,000, and in the present Session, if I am accurately informed, it will be £100,000 more than the estimate of last year. Well, to carry out that system you have an army of Inspectors, the number of which has increased from nineteen in 1840 to forty-six in 1857. If, therefore, a corresponding amount of increase is made to carry out the increased grant, I ask you whether, in process of time, this will not amount to a degree of centralization as will be most undesirable, and never contemplated by those who established the system—whether it would not be such an amount of centralization as it would be impossible to sustain with regard to economy, to the public interest generally, and with that jealous watchfulness over the expenditure which we are bound to keep up. Indeed, I very much doubt whether the expenditure is not even now greater than it ought to be. I speak with some reserve on the subject, as I should be sorry indeed to check the generosity of Parliament, but it would be most irrational to suppose that so large an expenditure of money, the administration of which is spread over so large an area of country, and made in such minute fractions, can be watched with a vigilance which is absolutely necessary to secure its proper expenditure. In order to secure the proper expenditure of the annual grants under the present system a multitude of minute conditions and complicated arrangements would have to be made, the operation of which would prove injurious and inconvenient. If such conditions and arrangements were not made, you may run the risk of not receiving an equivalent for your expenditure. I have stated upon previous occasions that I wish to retain the present system as a nucleus of a more extended one and the centre of our educational action. But I believe that the present is only a half system. You have a central board, a Minister of Education, grants by that House, and Inspectors. All that is good, and I desire to retain it, but I do not think that it is sufficient. It ought to be aided by local agency and superintendence, by the jealous watchfulness of the local authorities who take a deep interest in the question of education, as it comes home to their hearts. I wish to supplement the present system, and, as the question whether that is expedient could not be solved without further inquiry, I am compelled to suggest that a Committee or a Commission should be appointed to inquire into the present state of education in this country. I beg to remind the House that it is a very long time since we have had an extensive and searching investigation into the state of education in England. In 1818 Lord Brougham, whose long and zealous services in this cause all must honour, obtained a Committee which was the foundation of the Commission which he afterwards proposed, and which was then of great service—a commission upon the educational charities of the Kingdom. There was in 1834 or 1835 also a Committee upon the question of education, and the next occasion on which there was an inquiry, in 1838, it was moved for by the hon. Member for Shrewsbury (Mr. Slaney.) That was the last; because, although it was true that a Committee was appointed to inquire into the state of the education of the labouring classes in large towns, that inquiry had reference only to the towns of Manchester and Salford, and although great principles, religious and otherwise, were discussed in it, yet it did not include the general education of the Kingdom. It added nothing to the information which I hold to be essential to the solution of the great difficulties with which the question is sur-

rounded, and therefore I think it is obvious, since the existence of those difficulties is admitted by all, that we should now have a full inquiry. Then comes the consideration of the question in what form should such an inquiry be made. A Committee of the House, perhaps, offers this advantage. If a Committee were appointed I should probably, according to the usual custom, as the mover of it, be elected chairman, and should thereby be enabled to direct the inquiry to those objects which I have in view. On the other hand, considering that many hon. Members would examine witnesses with a view to support their own opinions, it seems to me that the appointment of a Committee would probably be to delay the settlement of this question this, if not next Session. On the other hand, if the Government should consent to this Commission of Inquiry, I think that we shall have it conducted in a much more calm and dispassionate manner than by a Committee. We shall have a Report that will carry greater weight in the country. I am fortified in this view by the close analogy between the present condition of the great question of education and the condition in which the poor laws stood in 1833, when the Government of that day issued a Commission of Inquiry. The circumstances of the two cases are as parallel as possible. At that period the physical wants of the poor were relieved by the medium of a law which had fallen into great confusion and difficulty; so much so, indeed, that it had become almost impossible to carry on its administration. Many attempts were made by different Members and different parties to remedy the evil, until at last the Government of the day felt that the best mode of solving the admitted difficulty which existed, and of leading to practical legislation, was to have a full and careful inquiry into the whole subject. I referred to the Report of the Commission only yesterday, and was astonished to perceive that in substance the order of reference then made was as nearly as possible in the terms of the Motion I have now the honour to submit to the House. I say, then, that the precedent is most encouraging. The Government of 1833 appointed seven of the most able and distinguished men, at the head of whom was the late lamented Bishop of London, to carry out that inquiry. They sent Deputy Commissioners throughout the country to collect facts, they put those facts together and stated their own views, and the result was, that in the following year the Government came down to this House and carried that great measure, the benefit of which England was enjoying from that day to this. The cases are, I repeat, as closely paralell as it is possible to conceive; indeed there is only one important difference between the Commision on the subject of the poor laws and that for which I am now asking. The former Commission was issued by the Government at their own accord. In the present case the Commission is proposed by a humble Member of this House, who has not even a party support to look to on this proposal; a Member who is not usually a supporter of Ministers, but on the contrary, one who has found it to be his duty to question the propriety of their policy on frequent occasions. I hope, however, that the noble Lord is too just and too magnanimous to allow those circumstances to have any weight. I hope that the Members generally will consider alone the merits of the proposal, and not those of the humble individual who can urge no claim for himself—that they will feel that I make it with the utmost sincerity, and that I have no other object at heart but that of the public good. My hope is, if the Government will concede this inquiry, that we shall have, in the cause of education, as in that of the poor laws, a most valuable Report as to the actual condition and requirements of this subject—a Report which will point out to Parliament and the Ministers of the Queen the principle on which this great question may at last be fairly and safely settled. I believe, Sir, it will be an advantage to the country, to Parliament, and to the Government, to find themselves armed with an authority—with that authority with which they now so much want. And being armed with that authority and fortified by public opinion, and bearing in mind the public interests, I hope that the Ministers, under the circumstances, will at last legislate on this subject in such a manner as to effect that object which I have sincerely at heart, and which I hope I may live to see accomplished, solely because I believe it to be essential to the true character and the welfare of the people.

LORD STANLEY seconded the Motion.

Motion made and Question proposed,—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue a Commission to inquire into the present state of Popular Education in England, and whether the present system is, or is not, sufficient for its object; and to consider and report

what changes, if any, are required for the extension of sound and cheap Elementary Instruction to all classes of the People."

Amendment and Motion, by leave, *withdrawn*.

MR. HARDY said, that it was impossible for any one who had heard the speech of his right hon. Friend to doubt the sincerity with which he advocated the cause which he had in view, and no one could find fault with the moderation with which he had treated the subject; but at the same time he must claim from the candour of the House equal credit for sincerity for those Gentlemen who differed in opinion from his right hon. Friend. He must protest against the idea, which appeared to be sometimes taken for granted, that those were not the friends of education who thought it could be better promoted by efforts each made in his own neighbourhood, than by speeches in that House. His right hon. Friend had told the House that he retained the opinions embodied in those Resolutions and Bills which he had before brought before the House, so that it was clear that his mind was made up, and that any measure which he would support now he would support at the close of the inquiry. It was impossible to have heard the speech of his right hon. Friend without perceiving that he at least had nothing new to learn upon the subject; for he had pronounced, with all the authority which belonged to him, that the facts of the case were already before the House—that there was gross ignorance in many localities; that in many cases children were taken from school too early; and that in some places there was no education at all, because the districts in question were too poor to meet the grants of Parliament. There was no doubt that many evils did at present exist, but the real question to be considered was, did the system now in operation gradually improve the condition of the people? It was not fair to single out particular passages from the reports of Inspectors to prove a particular case, but the system must be looked to as a whole, and the question asked whether, during the short time—some nine or ten years—in which the present system had been in operation, the advance which had been made in the condition of the people had not been sufficient to satisfy those who had kept their expectation within the bounds of moderation. What their endeavours should be directed to was the training of the people's minds to a desire for education, without resorting to anything like compulsion. In many counties there was a strong disinclination to the introduction of any new system, the people being perfectly satisfied with that which their forefathers had before them; and, although no doubt in certain districts, more particularly in Cumberland and Westmoreland, from the fact of the clergy themselves not having formerly received a very high education, the education in their parishes had been neglected, still, as the clergy became better educated, and were brought more into communication with the rest of the country, their zeal in the cause would increase, and the education in their parishes would increase also. In this manner a general feeling in favour of education would be secured in those districts as well as in more favoured localities. His right hon. Friend had said that the reports of the Inspectors did not contain sufficient information for them to be taken as a guide; but that was not the question. What the House ought to consider was whether the Inspectors were not growing more conversant with the subject, and whether they were not gradually in their reports coming to the point of giving more information than would be afforded by a Commission. He found from the general tenor of the reports that the number of pupils, of good schools, of certificated teachers, and of pupil teachers, contented to continue in the path they had chosen, and to follow the profession of teachers, had greatly increased, and that in a comparatively short time. If they already found such results, and that the Inspectors reported that they were gradually increasing, he could not but think that better times were coming, and that the system already in operation was gradually producing the desired improvements. The right hon. Gentleman had referred to the report of the Rev. Mr. Mitchell, as to the badness of some schools, but he had omitted to notice the remarkable statement of the same gentleman, that there were districts in which the people actually preferred bad schools. Mr. Mitchell's words were these—

"Hadleigh, population, 3,000; Boxford; Bilderstone.—Excellent schools in every respect, but scholars are not attracted to them. The population seem not to appreciate a good education. It is disheartening to hear that schools, conducted by untrained and almost uneducated teachers, are established in the neighbourhood, which are well attended, and yet which cannot pretend to offer the advantages possessed by these."

So also Mr. Moncrieff says, "A good schoolmaster in Cumberland has a hard task. The people deliberately prefer the old system." What remedy had they for such a state of things? It was for that House to decide for themselves upon the facts before them, and not look to a Commission. If, as the right hon. Gentleman said, things were ripe for legislation on this subject, that House was the place where opinons ought to be expressed, irrespective of any Commission, however eminent might be the Members upon it. With regard to the early age at which the children left the schools, some of the Inspectors gave the reasons for that circumstance. The Rev. Mr. Cook, the Inspector for Middlesex, explained that the children were taken from school by their parents for the sake of the wages they could earn. How was that to be met, except by putting force upon the parents? In Mr. Watkins's report there was an interesting table setting out the amount of wages earned by children at various ages; and it was impossible not to see that those wages formed a very important element in the income of the families to which they belonged. A curious question arose whether the home comforts of the family ought to a great extent to be interfered with in order to educate the children in the sense intended by the right hon. Baronet—namely, by school instruction, which was a very different thing from real education. It was important to consider whether, by leaving to parents the paramount power in the education of their children, they should not be securing to those children a better moral tone than they could receive from any school to which they were sent. Having himself heard of cases in which education as well as profitable employment were carried on together in the homes of poor families—the elder children instructing the younger at intervals — or while one child was earning wages for the general support of the family, his brothers were reaping the benefit of the increased income by being sent to school—he owned he was not disposed to regard their early unmitigated withdrawal from the school as such an evil, in all cases, as the right hon. Gentleman appeared to think it. It was the moral tone, and not so much the intellectual acquirements, which the State should seek to educate and promote. He believed that a home education—the training of all the moral faculties—was a far better thing than high intellectual acquirements obtained in a school in which the master himself did not seek to impart a high moral tone to his pupils. Indeed, it was perfectly conceivable that parents might withdraw their children because of the low moral tone of some of the schools. Moreover, the failure of the elementary schools was often attributable not to any deficiency either in the number or in the accommodation of the schools, but to the fact that the education imparted was not adapted to the wants of the children. The right hon. Gentleman had quoted from the report of the Rev. Mr. Stewart; and that gentleman had contributed a valuable criticism upon the sort of instruction which was popular at the present time—

"If a variety of subjects is day by day pressed on a child's attention, he may get a superficial acquaintance with all of them, but he will get a knowledge of none. The lessons will be to the child mere collections of facts, which will lie upon the memory as a heavy indigestible mass. His mind will be overloaded with raw material, which he has no power to turn to account, and his memory will be taxed to no purpose. Both in selecting and in giving lessons, teachers are too apt to measure children's capacity by their own, to speak to them of matters totally beyond their grasp, and to bewilder them with addresses on semi-scientific fragments of which too many of our modern reading books are composed. I do not deny the value of facts in their proper place, but I do not think that a daily accumulation of them is a means of training a child's mind. No lesson is a good one which does not cultivate a child's understanding without straining it. This is a slow and gradual process. It is just as impossible to steal a march on the slow development of a child's mind, as it is to hasten the growth of the bones and muscles. Every school system which tends to cram children is as unphilosophical and injurious as it is to require infants to perform the manual labour of adults. On this ground alone I feel sure that more real progress would be made in elementary schools if everything showy and superficial were struck off the time tables, and more time, more care, and far more skill bestowed on those elementary subjects which are the foundation of all future progress."

Mr. Bellairs was the only inspector who expressed a desire for an inquiry, and even he did not ask for a Commission. Any investigation that was made into this matter should be conducted by those who were directly responsible to Parliament. Under the system of education which had gradually grown up in this country a Department of Education had been established, with a Vice President who sat in that House to answer all questions that might be put to him, while the same duty devolved upon the President of the Council in the House of Lords. That Depart-

ment had a large staff of District Inspectors, and as it had every facility and every opportunity for the execution of its functions, what was there to prevent it from collecting, by degrees, all the necessary information as to the educational condition and necessities of every part of the country? The right hon. Gentleman did not say that his Commission was to inquire into a single fact, but only into matters of opinion. That House did not want to be dictated to by a Commission. His right hon. Friend did not really want an inquiry at all, for he took all the facts for granted. Be it so. He (Mr. Hardy) would admit the facts regarding the ignorance that prevailed amongst the inmates of gaols. Upon this point they learned by statistical facts that the crimes committed were not in proportion to the want of education, but rather to the density of population. But, admitting all that his right hon. Friend said, he would remind him of the remark of Mr. Bellairs, namely, that his right hon. Friend's proposed system would not touch the criminal class at all. He (Mr. Hardy) hoped that the Board of Education would turn its attention to this class, and to the case of those destitute districts to which the present arrangements were inapplicable. Let them do that, and let them propose some alteration in their minutes to meet those special cases. Such a step would be sure to meet with the approval of Parliament. But what did they want with a Commission? They already had plenty of reports from Inspectors, from reformatories, and from ragged schools; and there was a strong objection *in limine* to a Commission roving through the country. What would be the nature of its inquiry, and into what class of schools was it to enter? What class of private schools would it include in its investigations? Would it extend its inquiries to the schools frequented by the children of the middle classes, or would it even inspect those attended by the children of hon. Gentlemen. Again, why should they put those persons who were managing schools without state assistance in the invidious position either of having to submit to an interference they did not desire, or of refusing to admit a Royal Commission? The benefits of the present system were partaken of by two classes of persons—by those who assisted in the work of education not less than those who were the recipients of instruction; and parents being, moreover, taught the value of education by having to pay for it, learned to see that their children received the value of their money. Was it to interfere with those people who had established voluntary schools free from Government inspection? State aid for the support of education was an excellent principle when combined with voluntary effort; but the problem of education ought to be worked out by the free energies of the people. In bureaux-ridden Prussia great difficulty was experienced, according to the statement of Mr. Watkins, in enforcing regular attendance at the public schools. In one town of about 40,000 inhabitants, Elberfeld, it appeared there were 12,000 convictions for non-attendance at schools in the course of one year. Was it likely that the stubborn independence of Englishmen would be more yielding on such a matter? Compulsion would produce a strong revulsion against education in this country, and throw back the cause indefinitely. Mr. Watkins, whose experience in a manufacturing district was immense, gave it as his opinion that a compulsory law would be perfectly useless in England, but that a great deal might be done by persuasion, and by acting on the employers of labour. The right hon. Gentleman had imputed to that House a want of interest in the question. A want of interest! when the grants for education had since the year 1839 increased from a comparatively insignificant amount to between £600,000 and £700,000 a year. Remembering that fact, could it be said that because hon. Members did not go down to the conference at Birmingham, therefore the interest in this subject was languishing here, while it was flourishing there? He believed that the persons who took part in that and other conferences did a great deal of good by collecting facts and by endeavouring to influence, instead of forcing public opinion, and he hoped the day was not far distant when the result of their labours would be perceptible. It was not by their speeches in that House that their interest in the question was to be tested, but rather by their efforts in their respective localities to forward the good work. It was, no doubt, most valuable to obtain the opinions of such distinguished men as his right hon. Friend Lord Brougham, the noble Lord the Member for Lynn (Lord Stanley), the noble Lord the Member for London, and others; but, as he had before observed, it was much more important to cultivate and improve the high moral tone of the people

than to promote their intellectual progression. Since the last century the squirearchy of this country had made a great advance, both intellectually and morally, and if the movement were allowed to go on extending its influence through the means of such establishments as the Kensington Museum, mechanics' institutes, and other voluntary institutions, it would, in a period which was not long in the history of a nation, include also the labouring classes of the country. Even if our grandchildren became a well-educated people we might be well content. Before condemning the present system the House ought to consider what was to be substituted for it. The right hon. Gentleman had unequivocally condemned the present system as "precarious, unequal, and insufficient." [Sir J. PAKINGTON indicated dissent.] He judged of the right hon. Gentleman's sentiments by a former proposition, which he had placed on the table of the House, but which he did not move, because he could not secure a day for doing so. Did the right hon. Gentleman say that, because his notice of Motion was only laid on the table, he should not be held responsible for the language of it?

SIR JOHN PAKINGTON: I did not mean to deny the expressions referred to. I had merely forgotten the fact. I knew I did not move any Resolution in the terms referred to by the hon. Gentleman.

MR. HARDY: He rejoiced to see the great coal and mill owners giving very valuable prizes of different kinds, and certificates of merit, to induce their people to keep their children longer at school than perhaps they would otherwise be inclined to do. He submitted that if they did not adopt the plans at present in force, they had only one course left, and that was a compulsory system. Such a system had been mentioned by some of the Inspectors. The Dean of Carlisle had spoken of a system of enforced attendance. He (Mr. Hardy) was the more surprised at that, because the Dean had at the same time declared that a rate provision was destructive to any Bill, and upon such a ground solely would he oppose a Bill. Surely, the forced attendance of children at school would be much more distasteful to the people than even the payment of rates. But either operation, he submitted, would be fatal to the cause of education, and he trusted, like the Dean of Carlisle, that any Bill containing rating clauses would be rejected, as one likely to retard and not to advance the cause of education. His right hon. Friend had instituted a parallel between this subject and that of the relief of the poor; but would any man who was acquainted with boards of guardians generally throughout the country say that members of those bodies were the persons to whom ought to be entrusted the dealing with so intricate and delicate a question as that of the education of the people? His right hon. Friend had said that he was ready for education, but the country was not. [Sir J. PAKINGTON: I said that this House was not.] He always thought that that House represented the public feeling of the country; and if his right hon. Friend went lower than the classes which returned Members to that House he would find still more objection to legislation on this subject, for he would come to that class, of which he complained, which refused to send their children to school, or took them away early. But why was not that House ready for legislation? Because the constituencies were satisfied with the progressive increase of education under a system which had respect for religious convictions, and did not wish to see it interfered with. It might be said that the State now supported all religions; but that had for some time ceased to be a practical objection to the existing system. There was at present no occasion to discuss the secular plan, and all he would say about it was to ask, with Vice Chancellor Sir William Page Wood, why those who had faith in it did not establish large schools upon that system, and try whether or not they would answer. He thought we ought to rest satisfied at present with the Committee of Council. The grants to that Committee were yearly increased and the Committee was yearly extending its operations. Let it be watched with the utmost vigilance, but do not let the system itself be condemned without a fair trial, extending over a considerable number of years. The reports of the Inspectors, for the last year, would shortly be laid on the table, and these would give valuable information. Again, in three years from the present time there would be another census taken of the population, when, if proper means be used to obtain correct results, we should be able to arrive at a clear view as to the state of education throughout the country. Why, then, incur the expense and difficulty which would inevitably follow a Commission? Why not wait till that time before taking measures for the establishment of

an entirely new and antagonistic system? The right hon. Baronet the Member for Droitwich said, he knew not on what ground, that a Commission was preferable to a Committee. What was a Commission? It was in general a body of gentlemen with preconceived notions on the subject which they were appointed to investigate. Their names once known, nobody could doubt what the result of their inquiries would be. Again, in the present case, what was the investigation to embrace, and how was it to be conducted? It was manifest from the face of the existing facts that in districts the most nearly connected with each other the greatest distinctions of classes were found, as well as the greatest differences of feeling and of the means and results of education. Was the proposed Commission to visit every parish in the country with the view of prosecuting its inquiries? If it failed to do so it could not obtain any useful information which we had not at present in the reports of the Inspectors; while, if it did so, see to what an inquisition the patrons and managers of schools were to be exposed. Was it to furnish the House with evidence, or was it only to report? The bare report of the Commissioners without the evidence would be, to persons who had formed their opinions previously, perfectly worthless. On the other hand, if it furnished the evidence, were they to have brought before them matters which might imply the apathy of this clergyman or the indifference of that schoolmaster? It would be most unfair if this were allowed without an opportunity of contradiction, without which there could be no proper inquiry. The present system, like every other, must for success depend upon individual energy and wisdom. He wished, in particular, to speak of the efforts made by the clergy. If they looked at the reports, they would find that the Inspectors said that the advancement which had been made in education was owing mainly to the clergy, not of the Established Church only, but also of the Dissenting clergy. And to show how children may be drawn to and kept at school under the most unfavourable circumstances, he might be allowed to mention one most praiseworthy instance — that of Mr. Rogers, who, in the Charterhouse district, had done in the way of education perhaps more than any other clergyman had ever done. It was impossible to lay down a line-and-rule system supported by rates to which all schools were to conform. Were they to try to do this, they might succeed in having State schoolmasters, but they would not have State scholars; and the voluntary efforts which were now doing so much would be chilled. He would apologise for having so long trespassed on the House. He would not yield to his right hon. Friend, or to any one, in his zeal for education; but it was not by any effort of legislation, by thwarting the existing system under the pretence of extending it, or by speeches delivered either in that House or on the hustings, that they could vindicate their position as friends of education, but by endeavouring in their own localities to select proper schoolmasters, by assisting the managers of schools, by giving pecuniary aid to the clergymen who were so ready to devote their time and their labour to the work of education, and, above all, by striving as far as lay in their power to give that moral tone to the schools in their respective districts which was far more important than mere intellectual excellence. He trusted that the Government might rely upon the support of the House to a system which had already worked great results, and which was progressing with the advancing spirit of the age. He agreed with the Dean of Carlisle, whose labours in the cause of education at Cheltenham were well known, that few had any adequate idea of the number of worthless schools which the existing system had revived and rendered thoroughly efficient. The principal of Homerton College, in his pamphlet entitled *Prussian Primary Education*, had exposed the defects of the German system, and pointed out the danger attending any interference with the plan at present pursued by the Committee of Council, dwelling particularly on the objections to State superintendence. And Dr. Ludwig Wiese, comparing ours with the Prussian system, says:—

"If the whole problem of education may be summed up in this—to implant in the heart the love of truth, to train up the will to strength of character, to a clinging adherence to truth, then, to my mind, the German youth, in spite of their more correct moral conduct, are farther from this goal than the English."

And again—

"The theory, or rather the instinctive consciousness, that the education of the child is one of the Divine rights and duties inherent in a parent, and only subordinately to this, a matter for Church interference, is widely spread in England, so that the State is obliged to abstain from all direct interference, or rather, I should say, is happily able to abstain, and to confine itself to

auxiliary support and encouragement. The corporate instinct of English citizens would make them unwilling to abandon this duty, from the fear lest State interference should involve State superintendence."

Let the House, then, beware how it gave encouragement to sweeping changes in our system of education. A Commission would only throw matters into confusion, and would interfere with an existing system, which satisfied every religious method of education in the country, and which, if fostered by the House in no niggardly spirit, would speedily cause the feeling in favour of education to spread, and would ultimately present the spectacle of a moral and an instructed people.

MR. HADFIELD said, he was opposed to the Commission as proposed; he would, however, move an Amendment, or rather an addition to it, to the effect that, if any inquiry should be instituted, it ought to ascertain whether it was desirable that the education should be religious or secular; and, if religious, what, without violation of the rights of conscience, that religious instruction ought to be, and that all classes and denominations be entitled to be heard in the inquiry. It appeared to him that the object of the Motion and speech of the right hon. Member to-night was to establish a case for a system of education under the control of the State. They heard more dolorous accounts of the present state of education in the country from the right hon. Baronet than from any other quarter; and he seemed entirely to forget the advances made under the present system. He went into the workhouses and gaols, and from them he drew inferences which he sought to apply to the country at large. Last year no less than 564 millious of letters, including Post Office orders and book parcels, had passed through the Post Office, the revenue of which, in the last year, had increased £150,000; and in seven years he (Mr. Hadfield) had no doubt that the number of letters would have increased to 1,000,000. In three years a new census would be taken, and would show the great progress that had been made during the last ten years in the education of the people. According to the last census the numbers attending day, Sunday, and night schools, were as follows :—

	No. of Schools.	No. of Scholars.
Day schools . . .	46,072	2,144,278
Sunday schools . .	23,514	2,408,252
Night schools . .	1,595	39,283
Total		4,591,813

Deducting one million for those attending both Sunday and day schools, there remained 3,591,813 actually receiving instruction, or close upon one in six of the population, and the number was continually increasing. The Sunday-school teachers had the confidence of the lower classes; and hence the children attended willingly. But the case would be very different if Government interfered. Much service had been done to the cause of education by the abolition of the newspaper stamp duty, and in all the large towns thousands of penny newspapers were circulated daily, chiefly amongst the working classes—a pregnant proof of the extent to which education had progressed among them. If the right hon. Baronet opposite desired still further to extend the education of the people, let him support his right hon. Friend the Member for Ashton-under-Lyne (Mr. M. Gibson) in his Motion to reduce the paper duty. It was a monstrous thing that in a country like this the duty should be 30 per cent on school-books. At present the working classes had no confidence whatsover in anything done by the Government; they felt that they were not represented; and by-and-by the House would hear of this in a way they little dreamed of. The time was, and he recollected it well, when the education of the people was scouted by the aristocracy as something dangerous. It had, however, gone on not only without the Government, but almost against it; and his own opinion was, that they had better let well alone. If the right hon. Baronet persisted in his Motion, he should move the Amendment which he had read.

MR. GILPIN seconded the Amendment.

Amendment proposed,—

At the end of the Question to add the words, "and particularly whether it is desirable that the course of Education should, in deference to the principles of religious liberty, be restricted to Secular Instruction; or whether Religious Instruction should be added, and what course of Religious Instruction can be supplied, without violation of the rights of conscience of Her Majesty's subjects; and that all classes and denominations be entitled to be heard in this inquiry."

Question proposed, "That those words be there added."

MR. AKROYD said, he preferred a Commission to a Committee, because a commission might conduct its inquiries on the spot. As an employer of factory labour he was entitled to speak on this subject, and he was most anxious that there should be an inquiry into this system of factory education. Having oppose (that

system to the best of his ability when it was introduced, but after several years' experience of its operation he was bound to confess that he had then been in the wrong, and that he should be glad to see it extended. The question of education had now assumed a very important position. Hitherto our education had been directed to raising the substratum of society. Parliament had provided for the education of pauper children and criminal children, and it must now turn its attention to the children of the honest labourer, unless it wished to be reproached with holding out a premium in favour of vagrancy and crime, and casting a slur upon honesty and independence. Now that a system of admission to the public offices by competitive examination was being adopted, it was but fair that the working classes should be placed in possession of the means of gaining an entrance into the public service; for if they were deprived of all chance of rising in society, they would remain a *sudra* class throughout all time. In Ireland a national system of education was established, and the people were satisfied with it. In Scotland there was a parochial system which had long been the boast of that country, and which had done much to give superiority to Scotchmen in all positions in life. A Reform Bill, too, was on the eve of being proposed, and if political power was to be placed in the hands of large bodies of the labouring classes, it was for the public interest that their education should be such as to fit them for the proper exercise of it. England stood in a worse position than the sister kingdoms in this respect. He hoped the Members from those portions of the Kingdom would lend a hand to give to England equal advantages. No doubt there were many difficulties in approaching this question, but they were not so great as was generally supposed. The differences between the advocates of religious education and those of secular education were more imaginary than real. If children were taught the elements of a secular education during the week, there would be a better basis for the religious education on the Sunday; and he held it to be an abuse of the Sunday-school to teach the children there merely the mechanical arts of reading and writing. On the other hand, there were none of the advocates of secular education who, to his knowledge, objected to the communication of the principles of sound morality, and he was satisfied that it was impossible to teach any morality that was not based upon Christianity. In the schools with which he was connected, there were children of all denominations, and there never were any complaints against the system of education pursued there. Although himself a member of the Church, he did not teach the Catechism; but he had always endeavoured to give a plain religious teaching, and he had always found the best basis for moral teaching to be some simple passage from the life of our Saviour. Neither were the differences between the advocates of the voluntary principle and of State aid so great as seemed to be imagined. The present system of State grants was not opposed to the voluntary principle, but rather encouraged it, because, but for it, the efforts of individuals in some parts of the country would have sank in despair at the mass of wretchedness and ignorance that surrounded them. In his own district it had given a great stimulus to voluntary efforts. The working classes were now quite as anxious to obtain the benefits of education for their children as any other portion of it. Some years ago this was not the case, and hence the necessity of a compulsory system to make a beginning. The last reports of the factory Inspectors contained many encouraging statements with regard to the Yorkshire districts. Messrs. Crossley, of Halifax, one member of which firm was in that House, employed a number of children in the bleaching department, and though they were not strictly factory children, and did not come under the compulsory provisions as to education, the firm had extended the same system to them, though Messrs. Crossley themselves were advocates of the voluntary system—a proof that they were satisfied with the operation of the system as enforced by law. The time was now come to give a fresh impulse to this great question. It could not, however, be properly discussed in Parliament until it was ripe for legislation, and without some such comprehensive inquiry as that suggested in this Motion, it never would be ripe.

MR. BERESFORD HOPE could not make up his mind that the proposal of the right hon. Member for Droitwich, if acceded to, would be attended with any other result upon the education of the country than to multiply those innumerable volumes of blue books under which the shelves of the library already groaned. The proposition broke down, he thought, upon several ambiguous issues. No one could deny

that accurate statistics as to the progress of education were most desirable; but many persons might, and did, deny that the best method of obtaining those statistics was by the expensive and cumbrous process of a royal commission. When a complete Tower of Babel of educational literature was growing up before our eyes he firmly believed that the proposition of the hon. Gentleman would only have the effect of adding one larger coping-stone to the already overgrown structure. The right hon. Gentleman had very fairly acknowledged that he came forward completely wedded to a particular educational system; and as he hoped that a Royal Commission would endorse that opinion of his own, he was anxious for a Royal Commission. He (Mr. Hope) was equally convinced that it would endorse the less ambitious but more practical system of which he was an advocate, of leaving our education, which had gone on improving year after year, to itself, without having a coroner's inquest to sit upon it. He fully believed that; but he did not ask the House to agree to the proposition of the right hon. Gentleman, because it would only be encouraging the vicious principle which led the Government to shelve inconvenient questions by referring them to Royal Commissions. What was the Commission to do? Where was it to begin; where to end? Was it to report statistics? We had them already. Was it to report opinions? If so, they would only be the opinions of Lord A, Mr. B, the Right Rev. C, and the other gentlemen, who composed the Commission; but those gentlemen had just the same power now of advocating these opinions as they would have if they were invested with a little brief authority, and it was not to be tolerated in a great question like this, which was viewed with interest by thousands of persons, and which was canvassed in every quarter from the palace to the cottage, that they were to be bound by the opinion of a very small body of men, whose means of gaining information were circumscribed by the small number of witnesses they might examine, and the limited area of ground that they might traverse. The question for the House to consider was, whether the education of the country was deteriorating or progressing. At the commencement of this century national education was in a most unsatisfactory state. There were few country parishes which could boast of parochial schools with proper buildings for the accommodation of scholars. Educational societies were established—the National Society on the one hand, and the British and Foreign School Society on the other, and now any parish which did not possess a school was a marked and rare exception. In 1818 the number of day scholars in England was 1 in 17; in 1833 it was 1 in 11; in 1851 it was 1 in 8; and it appeared, therefore, that since 1818 the number of day scholars in this country had doubled. His right hon. Friend had sought a precedent for his proposed Commission in that which was issued to consider the operation of the old poor law, and upon the report of which the present poor law of 1834 was founded. But how stood the case? The system into which the poor law Commission had to inquire was an effete and injurious one, a system under which the nation was rapidly sinking into social and moral degradation, and which loudly called for redress. And this is the precedent which is evoked for an inquiry into that system of education of which confessedly the benefits had within about forty years been doubled. So far from its being a precedent, the two cases differed in every possible respect—otherwise he must characterize the proposed Commission as equally compounded of a coroner's inquest and a criminal trial. Mr. Stewart was the *cheval de bataille* of the right hon. Gentleman, who referred to his evidence to show that in certain rural districts the schools were as efficient as they were in large towns, where so many facilities for promoting education were available. Mr. Stewart said:—

> "Admitting the justice of this view (as to special rates of aid), however, it does not follow that an increase of the grants in aid of annual costs of schools would leave no room for voluntary exertions. Moreover, the State must make her own voluntary efforts before she can ask for those of her subjects."

Mr. Stewart appeared, therefore, to be the advocate of the Communist principle, which required the State to come forward as the Lady Bountiful of the realm; and this was the inspector upon whose testimony Parliament was called upon to admit the cogency and necessity for the appointment of a Commission. Mr. Bellairs, another authority appealed to by the right hon. Gentleman, admitted it might be true that no school would succeed perfectly unless compulsory attendance was enforced. Mr. Cook, the Inspector for Middlesex and other neighbouring counties, said:—

"On the one hand it is obvious that a small proportion of the population of the metropolis within the age of two and fifteen years are enjoying the advantages of such an education as is now provided in schools receiving annual grants from your Lordships; on the other hand, they prove a steady increase in the number of schools under inspection, and a progressive improvement in the character of the instruction."

Yet, the House was called upon to ask for a Royal commission to consider the character of an education the main features of which in the most populous district of this realm were steady increase and progressive improvement. Mr. Cook continued:—

"It may, moreover, be confidently anticipated that the extension of the capitation grant to towns and cities will in a few years bring nearly all schools of ordinary efficiency under the operation of the same system, and have also a material effect in encouraging regular attendance, as well as in supplying deficiencies either in their organization or management. I have ascertained in several schools that a considerable effect has already been produced upon managers and parents, and that there is every reason to expect that a larger proportion will be annually entitled to these payments."

It must be remembered that the system of capitation grants was only an experiment, and yet it had already produced most satisfactory results. It appeared from Mr. Cook's report that the number of certificated teachers had increased in his district from sixty one in 1850 to 223 in 1855, and that although the counties of Buckingham, Bedford, and Herts had since been detached from his district, he still found no less than 248 employed in the single county that remained under his inspection. So much, then, for the Church schools; but he would now ask the House to look at the condition of Dissenting schools. Mr. Morrell, the Inspector of British schools and of Wesleyan and other denominational schools in the north-western division of England and in North Wales, said he thought it was impossible not to look back with deep satisfaction at the progress which had been made towards the education of the country during the last ten years; and he proceeded to say:—

"Perhaps the first and most certain effect of an extended system of education, whether based upon rates or otherwise supported from public resources, would be to paralyze the effect of the voluntary principle altogether. This has not been in any degree the effect of the Government grants hitherto, because they have been applied only to such an extent and in such a manner as to stimulate rather than to swamp private efforts."

His right hon. Friend, appealing to educational statistics, and in particular to a certain physical atlas, had said that, out of seventeen countries, England held only the tenth place. Saxony occupied the first position, and then came New England, which was represented as educating ninety-five per cent of its population. There were, however, some pregnant facts with reference to New England to which he wished to call the attention of the House. They were disclosed in a pamphlet published by the Archdeacon of Middlesex, the Treasurer of the National Society, who had visited the United States in a semi-official character, and had given to the world certain official documents with reference to the common schools in those States. From these only would he quote and not rely on the references of the Archdeacon, deserving of credit as he was from his position. The first reference he would have to make would be not strictly to New England, but it was from an American "blue book." The common school report of Pennsylvania of 1849, in which a similar system prevailed and where we learn that the practical effects of the plan are truly deplorable. Scarcely a mail arrives that is not loaded with complaints of the mobility of the teacher, of his immoral habits, and of the bad condition of the schools. To come to New England properly so called, ex-Governor Clifford, of Massachussets, uses the following remarkable expressions:—

"I have a general impression derived from a long familiarity with the prosecution of crime, both as District Attorney and Attorney General, that the merely intellectual education of our schools, in the absence of that moral culture and discipline, which, in my judgment, ought to be an essential part of every system of school education, furnishes but a feeble barrier to the assaults of temptation and the prevalence of crime; indeed without this sanctifying element, I am by no means certain that the mere cultivation of the intellect does not increase the temptation to crime by enlarging the sphere of man's capacity, to minister through its agency to his sensual and corrupt desires. I in reply say, as a general inference drawn from my own somewhat extensive observation of crime and criminals, that as flagrant evils and as depraved characters have been exhibited among a class of persons who have enjoyed the ordinary elementary instruction of our New England schools, and in some instances of that higher instructions of learning, as could be found by the most diligent investigation among the convicts of Norfolk Island or of Botany Bay."

Let the House observe how much is involved in this reference to Norfolk Island and Botany Bay.

He next would quote from the tenth report of the Prison Association of New York

and other documents, in which it was stated that mere intellectual education, in the absence of moral training and discipline, furnished but a feeble barrier to temptation. According to that report, one speaker at an educational meeting in New York stated that many teachers were morally unfit for their work, and that society must be shaken to ruins by the present training of American youths. Another speaker said he must change his system of instruction and give a little more moral instruction, for already two of his scholars have been hung for murder. So much for this American system. It should be recollected, too, that in America there were no public schools, such as Eton, Harrow, and Winchester; but that in consequence of the republican equality of manners the richest persons and poorest must send their sons to the same schools. Therefore, the school committees in America were composed of persons having time on their hands and refinement in their minds, for such people would be interested in the moral training of their own children. But in England nothing of the same sort could happen. In this country the upper classes never could be compelled to send their children to such schools, and consequently the same class would not be found here, as in the United States, to look after the schools. Another country, often referred to in reference to this subject, was Prussia, which he supposed stood high on his right hon. Friend's atlas; but let the House consider what was the education in Prussia. That intelligent novelist, Mr. Laing, justly observes:

"Reading and writing are requirements very widely diffused in Paris, in Italy, in Austria, in Prussia, in Sweden; but the people are not moral, nor religious, nor enlightened, nor free, because they possess the means. They are not of educated mind in any true sense."

But he would quote official Prussian documents — Prussian "blue books."— With regard, however, to the Prussian system as a whole it must be recollected that the compulsory education, prevalent in that country, fitted into other portions of the administrative system of that, till lately, absolute monarchy, and that in consistence the House, if it accepted one part of it, ought not to reject the other. In Prussia, by an arbitrary edict of the State, two Protestant communities, widely differing in their belief, had been by the late King forcibly united into one State "Evangelical" Church. In Prussia, likewise, every adult male was bound to yield military service for so many years. Would the House endorse that? The events of 1848 showed the hollowness of the system, and the authorities then began to bestir themselves in a different spirit accordingly. Herr Golzch, the author of a plan of a village school, published in 1850, under the sanction of the Minister of Public Instruction, said:—

"The elementary schools followed the intellectual impulses of that century in which they were remodelled and received their widest extension. Inasmuch, however, as we have reached a point in our time at which a decided change has become necessary, and, indeed, an actual fact, our schools, if they are not to remain inefficacious and perish by cleaving to exploded principles, must enter into these new and legitimate movements of the age, receiving vitality from them, and, in turn, contributing to their vitality. The idea of a universal humanistic culture, by means of a formal developement of the powers of the mind, in connexion with undeterminded subjects of instruction, has been proved to be inefficacious and injurious."

The result was that, according to this official report, the system of elementary education in that highly educated country had proved ineffectual and injurious. In illustration he might refer to the anecdote given by Mr. Rendu, of the schoolmaster in Hanover, where a similar system prevailed, who told him, "I believe in Christ, but I put him in his proper place." He went on to say that he went to church, but it was only because he was sexton. A "pietist" inspector was, he understood, about to be appointed, and then he and the other masters would know what sort of answers to frame for him. In another Prussian official document it is said:—

"It is very sad to think that among teachers—contrary to their duty and to the principal end of their mission, which is to train the young to piety—some never frequent divine service; others only attend irregularly; that they never partake of the Holy Communion; and that, instead of being—as they ought to be—salutary exemplars in their several parishes, they give the pernicious example of contempt for sacred practices and Christian customs."

In 1854 the Prussian Government boldly reformed the system of primary instruction by issuing a code as elaborate as any that could be framed by a roving commission, and one of the laws in that new code was, that universal history should no longer be allowed to form part of the private studies of the masters at the normal schools, where they are to be trained as instructors for the national schools, as it was, no doubt, a food too strong for their intellectual digestion. Thenceforward, the history

of Prussia only would be permitted, and that history which, as we were told, was to inculcate devotion to the "reigning house." That means, no doubt, only such a history would be tolerated as favoured the views of the administration of the day. That was one of the results of a compulsory system of education in a great and flourishing European country, and he had shown the effects of such a system in a great Transatlantic country. We, then, must fall back upon that system which was begun in England at the commencement of this century, and had within forty years doubled the number of the children of the poor receiving elementary instruction. That system was constantly improving—improving by the very effect of that spirit of polemical disputation, which was so rife in this land, for in this way, out of evil grew good—the very spirit of antagonism so created produced the competition which denomination would most forward education—and the result was the promotion of it in the only way in which it could be promoted in this free and also earnest land. There was indeed one subject in which education was still defective, the education of the lower-middle, and the middle-middle classes. Unfortunately, owing to our national pride, small tradesmen, clerks, and others in a similar condition of life, refused to send their children to the schools already referred to. In that respect the system was certainly defective. The middle classes imagined that these schools were only intended for the children of the poorer portion of the population, and no amount of force could compel them to send their sons and daughters to them. But how could a Commission mend that, considering what is the national character; it would be the very way to check improvement — and render those we meant to benefit obstinate and unreasonable. They would resist more than any class what looked like coercion from the Government. Any attempt to compel would only throw back the cause of education. But still, even in these classes, had the improvement commenced. Every traveller in England could not help observing the schools that were being raised in every direction by means of voluntary contributions. No one could travel twenty miles from London, in any direction by a railroad, without his attention being attracted by the various educational institutions, partly belonging to corporations and partly to voluntary associations, which were rising near every station. These were all contributions to middle-class education. So, too, the grammar schools existing in various towns were in course of being revived out of their torpor and devoted to their legitimate objects. Such was the legitimate growth of educational progress in a free land like ours—not the arbitrary interference of the State. He trusted, therefore, that that good work would not be marred by the interference of a compulsory system of education, which would be found to be a Papacy as tyrannical as that of the Vatican.

MR. RICHARDSON said, that a very large number of persons in Ireland received no benefit from the Irish system, which could not, therefore, be proposed as a model for England to follow. The Motion of the right hon. Baronet did not extend to Ireland, and it was not, therefore, his duty to interfere with it, but if it had applied to Ireland he should have given it his strenuous opposition.

MR. W. J. FOX said, it had been assumed that, if the proposed Commission were appointed, it would make certain recommendations, and those recommendations were by anticipation vigorously assailed. One hon. Member had assumed that the Commission would recommend the establishment of a general system of education under the direction of the Government—a most unlikely and absurd thing for a Government to undertake. It was the business of the Government to help the nation to educate itself, and not to prescribe a system. Another hon. Member had assumed that the Commission would recommend a compulsory system of education; and then they had heard, in the course of the debate, some indignant declamation against compelling persons to send their children to schools. It had also been supposed that the Commission would recommend the American system; and, thereupon, that system had been minutely dissected, its shortcomings pointed out, and its evil tendency sternly reprobated. Now he, for one, saw no reason to anticipate the results that the Commission would arrive at. It was to be a Commission of Inquiry, and he was content to await the result, and bring his best judgment to bear upon their recommendations when they were before the world. It had been assumed that education in this country was in a very progressive and satisfactory state. In that opinion he could not agree. The facts were, indeed, very strong the other way. It was said that one child in nine

was being educated, while, forty years ago, the proportion was one in seventeen. But, in this calculation, the growth of the population, and the proportion of the educated to the non-educated of the school age, were entirely left out. These elements ought to have been attended to in the calculation, which was one very easy to be made. The question was—how many persons there were of the school age, how many were receiving education, and how many were uneducated? He found, upon examination of the latest statistical returns, that there was a larger number of children of the school age, who were neither at school nor at work, than in any previous returns. In fact, it was progressively increasing, notwithstanding the advance which was said to have been made in the extension of education. That one fact was sufficient to suggest an inquiry into the working of the system which had been in operation. Another fact was, that if hon. Members looked at the criminal returns, they would find that crime was at the very *minimum* among the well-educated, but on the increase amongst those not wholly uneducated. The gaols were filled by criminals who had been at school. The class of persons who were described as "able to read and write imperfectly," formed the great proportion of prisoners, showing that the education given in our schools was miserably defective. There was nothing more reasonable than an inquiry into such subjects; and an inquiry by a Commission possessed great advantages over that conducted by a Select Committee, which had been often tried without any clear or satisfactory results. There were many obvious things to which a Commission might direct its attention. For instance, a great many schools had been built all over the country. But how were they filled? It was a subject of inquiry as to what was the cause of the comparative emptiness of these schools, and also into statements of attendance in the school-books. We had school room for an immensely larger number of children than were found to attend the schools. A Commission would also inquire into the practicability of raising the proportion of children actually attending school to the number upon the school-books. In many schools the average attendance was not more than sixty-five per cent. of those on the school-books. Yet he knew of a school in Essex, which was attended by the children of a mixed population, where, by assiduity and judicious management, the attendance was ninety-four per cent.; this defect was, therefore, remediable. The question of wages, too, pressed on the lower classes; and in many districts parents could not afford to send their children to school. Yet he knew of an evening school established in Dorsetshire by a well-known Metropolitan artist, who had opened a room to which parents might send those children who had been employed during the day. The result was such as could not be contemplated without satisfaction. Here, then, was another remediable defect in the present system. The shortness of the time during which children attended school was another evil, which was quite remediable. The prize system was doing a great deal to check that evil; and the hon. Member for Staffordshire (Mr. Adderley) could, no doubt, give a good account of that system, which, in the county he represented, had met with much success. A Commission might consider these subjects with some prospect of advantage, while hon. Members of that House would go into a Committee-room with their preconceived opinions, and would engage in conflicts between secular and religious teaching, which would leave the matter in as much uncertainty as they found it. As his name had been alluded to in connection with the secular system of education, he begged to say that he was an advocate for leaving schools as free as possible, either in regard to religious discussion or secular teaching. It was taken for granted that the secular system precluded the religious training of the pupils; but he challenged any hon. Member to name any secular school of which this assertion could truly be made. There were, for example, the Birkbeck Schools, started in this Metropolis by Mr. Ellis, in which many thousand children were now receiving education, and where no inquiry was ever instituted into the religion of the parents. But the great majority of these children were under religious instruction either on Sundays or at other times. Such schools had, at least, this good mark of religion about them—that they taught the children charity and forbearance to those of different religious denominations to their own. The present educational machinery was a mongrel system of State interference and voluntary subscription; and he could not see how it would ever remedy the evils connected with the subject in this country. They were told they must not be in a hurry; but he thought that the friends of education had shown considerable patience.

In the colony of Canada, schools of recent establishment had been scattered over the country, in which the use of Scripture was voluntary; and it was now the boast of the Canadians that education in that country was more extensive than in some of the American States, that were foremost in the possession of a system of education. He knew of no one to whom the friends of education were more indebted than to the right hon. Gentleman (Sir J. Pakington) who had brought this subject forward to-night—whose Bill, introduced two or three years ago, was one of the most acceptable ever produced, and who had distinguished himself by his attendance at various societies, with the view of enlightening the public on this subject. The right hon. Gentleman had proposed this Commission, not to recommend his own theories or to endorse his own opinions, but to investigate the whole subject with calmness, to say what was being done, what was wanting, and what means would be best adapted to supply those wants.

MR. ADDERLEY said, he believed that the House was rather impatient to hear what were the opinions of the Government with respect to this question; however, as they appeared more anxious to listen to the opinions of hon. Gentlemen than to express their own, he would proceed to make a few observations on the subject before them. He thought they owed a debt of gratitude to the right hon. Baronet (Sir J. Pakington) for his exertions in the cause of education, but felt constrained to differ from him in the proposal which he now made for a Commission of Inquiry. What the Commission would have to inquire into the right hon. Baronet had not in his Motion told them, but in the roving debate which had taken place some hon. Members said that they did not care what conclusion they arrived at so long as they inquired. The only legitimate inquiry he could think of would be an inquiry into facts; but that was a duty which ought to be performed by the inspectors, and not by a highly-paid Commission. There had been a great waste of money in the case of the inspectors, for they were needlessly multiplied by the rule that every class of school and every creed must have its own inspectors, so that there were often duplicates and triplicates of them in the same locality. Their reports, too, instead of being collections of facts, were essays propounding new theories and startling systems of their own, and in these respects he thought there ought to be an alteration. He was not himself, however, very much in love with statistics, for he looked upon them as a sort of will-o-the-wisp, which gave a very uncertain and treacherous light, and shows as much on one side as the other of every question; still, if they were to have them, let them be procured by the organized body which they had ready to collect them, and let them not seek a roaming Commission, which would cost a large sum of public money with a very impossible object; or else one possible with existing means. The right hon. Baronet not only moved for a Commission of Inquiry, but let out his intention of bringing about a change of system, for the Commission was to inquire what changes, if any, should be introduced into the existing system. Now, he believed that the House and the country did not desire a change, but an extension of the present system. In proof of this, he might remind them that the House had repeatedly refused to give its sanction to any other plan that had been proposed, and if there was one scheme more than another to which the House and the country had insuperable objection it was that which every proposed change had an evident tendency to, namely, the secular system. The scheme now in operation had made very considerable advances. It had introduced a great improvement, namely, the class of pupil teachers — a class much more valuable than the monitors of the Bell and Lancastrian systems —and a new set of institutions—namely, those for the training of teachers; and in both respects it worked satisfactorily to the country. It might have attempted at first too high a flight in general education for the labouring classes. This was to be expected, considering the high intellectual character of those who were engaged in the promotion of the system; but the evil would be cured by public opinion, especially as they now had a Minister of Education in that House to whom appeals could be made, and who was always ready to answer questions on the subject. The difficulty of getting the children of the rural population to attend long enough at school was not sufficiently considered by those who laid down the standard of education to be followed; and when they wished to make scholars they forgot that they were to make ploughboys. The right hon. Baronet spoke of the inequality of the present system, and

said it did not furnish the poorest districts with schools; but it should be borne in mind that to meet such cases the Committee of Council had relaxed their rules to a very considerable extent. Let it also be borne in mind, that poor districts often mean districts of resident poor tenants, and absentee wealth which ought not to be relieved of its proper liabilities. If the Commission were appointed—and he feared that the Government were about to concede it, although he hoped that the sense of the House would be taken upon the subject—there was one class of schools about which the Commissioners might usefully occupy themselves. He meant the middle class schools. He believed that there were a great number of endowments absolutely wasted, and that in many incomes of from £100 to £200 a year were pocketed by persons calling themselves schoolmasters, who had no duty whatever to discharge. But even to inquire into these endowments the proper persons were the Charity Commissioners, and if they had not the means of doing so at their command, they ought to be provided with those means. The real state of the case was, that the lower classes had a high-pressure system applied to them which rendered them better educated than the men who employed them. What, then, was it which hindered the spread of education among the poorer classes? Why, it was that their employers did not appreciate education. If the same pressure had been applied to the employers—if bribes of public money, or any other stimulus, had equally urged on them to encourage education—then all that the right hon. Gentleman desired would have followed, and among other things the half-time system, to which he had referred. If employers could be got to demand educated labourers, then the grave difficulty in the way of the spread of education would be got rid of. Another point to be considered was, what would the Commission cost? There were hon. Gentlemen who would perhaps not dislike to be appointed Commissioners, and no doubt the Government would not object to the patronage thrust upon them. The right hon. Baronet had referred to the Commission on the Poor Law, and had taken it as his model, and the expense of that Commission had been about £50,000, and in fact the Commission now proposed, if made to do anything more effectual than the inspectors now could do, would probably cost a great deal more. He hoped that the right hon. Gentleman, to whom the House looked for all information upon the subject of education, would get the information required by the means in his hands, and not needlessly consent to the measure which it was proposed to thrust upon him, but that he would refuse his consent to the Motion for a Crown Commission.

MR. COWPER said, he could assure the hon. Gentleman that though he had endeavoured to give his utmost attention to the consideration of the subject, he had felt very considerable difficulty as to the course which he ought to adopt. He was unwilling, on the one hand, to join in opposing an inquiry which might throw some light upon the obscurities and perplexities of national education; while, on the other hand, there was something in the terms of the Motion of the right hon. Gentleman to which he found it very difficult to accede. He felt, in the first place, that the right hon. Gentleman had paid great attention to the subject, and had displayed so much ability and superiority to party spirit in dealing with the question, that his opinion was entitled to very great weight; and when, therefore, he declared that in his opinion such an inquiry, as he proposed, was necessary for the cause of education, most hon. Gentlemen would approach the subject with a strong desire to agree with him. As regarded some of the subjects referred to in the speech of the right hon. Gentleman, an inquiry of the nature proposed would be quite unexceptionable. An inquiry into the possibility of extending the half-time system which had been found so successful in cotton and woollen factories might be very useful, as also might be one into the means by which the schools might obtain more scholars. The great hindrance to the spread of education appeared to lie, not in the deficiency of educational supply, but in the unwillingness of persons to make use of it; and he thought, therefore, that an inquiry into the habits, the circumstances, and the characters of the children of the working classes, and into the causes which prevented them from using to the full those advantages which were provided for them, would be most useful. The hon. Member for North Staffordshire (Mr. Adderley) had stated that the inquiry would more properly be conducted by the Government Inspectors. Now, he could only say that those Inspectors had already employment enough to overtask their energies; and even if it were not so, how could

their services be rendered available in the case of those schools which were unwilling to submit to Government inspection,—and the condition of those schools would form a very important element in the inquiry. In the particular case of inspected schools, he believed that they already possessed all the information which was necessary from those reports which the hon. Gentleman criticised, but which gave faithful pictures of what was going on in different parts of the country, and of the effect which was produced upon the minds of intelligent men by what they saw. He did not think that any machinery of the Committee of Council could be usefully employed for obtaining further information with regard to any but inspected schools, and even if Parliament were willing to confer upon the Inspectors additional powers, he did not know what advantage could be derived by employing the labours of the Inspectors rather than that of Commissioners. If the right hon. Baronet would confine his Motion to an inquiry into the present state of popular education in England he did not think that any of the objections which had been taken in the present discussion could fairly attach to the Motion. The words of the Motion which followed were, however, open to objection, inasmuch as they would refer to the decision of a Commission a question of national policy which could only be decided by that House. It was exceedingly doubtful, too, whether the Commissioners, when appointed, would put the same construction as the right hon. Baronet upon his proposed order of reference. What was the present system of education? It was the spontaneous result of English feelings and opinions; it had been founded by the wisdom and piety of our forefathers, and, in the successive stages of its growth, had been moulded by circumstances and fashioned according to the varying wants and needs of the times; it had received a vigorous impulse at the beginning of the present century from our various religious denominations, and had enlarged with the growth of our educational societies; and it had attained its most important development from the Minutes of Council commenced by the noble Lord the Member for the City of London —a system based on the long-established principle that an elementary school for the children of the poorer classes was a necessary part of the machinery of a parish or of a religious congregation, and had a claim on the religious sympathy and on the property of the neighbourhood, combined with the further principle which had more recently been affirmed—that it was the duty of the State to take care that means are provided for those children to be educated in that which would be useful to them in ordinary life, and in the knowledge of their duty to God and man. That system, however excellent in itself, had, no doubt, defects. In some respects it was inferior to the continental systems. But it was better suited to the English people than the German system; it was the best for the English people as the German system was the best for the German people. England would not agree to supersede the rights and responsibilities of parents, which were so scrupulously respected that they were allowed not only to choose the school to which they would send their children, but to refuse, if they pleased, to send them anywhere. He did not believe that there would be any utility in the Commissioners inquiring whether there should be a power given, as in Germany, to compel parents to send their children to school. Some persons ascribed the insufficiency of the existing system to its insisting on the teaching of doctrinal religion, and they recommended as a remedy the adoption of the secular plan. Under the terms of the proposed order of reference the Commissioners would be asked to inquire into that question. The real point to be investigated with respect to the present system was, why it was not more appreciated, and its benefits more extensively applied; and, if restricted to that question, the objections to the Motion which he had previously noticed would be wholly obviated. They would then only have to consider the general question of appointing a Commission. No doubt Commissions were expensive; but if, on a subject of such magnitude and importance, it were clearly established that the inquiry would be directed to the practical points on which information was most required, that House would hardly grudge an application of the public money in taking steps to clear away the obstacles to the spread of general education throughout England. They might be usefully employed in collecting general statistical information, and ascertaining the nature of the ordinary teaching. The National Society was at present making up its decennial tables, and the British and Foreign School Society and the Wesleyan Educational Society had frequent reports from schools in connection with them.

Mr. Cowper

The proposed Commission might, with great advantage, arrange in a clear and compendious form all those floating and isolated fragments of useful information. Complete statistics could only be obtained by the agency of the census; and, within three years of the general census, it would not be worth while to incur the immense expense of a complete enumeration of schools. There was another view of the matter. The terms of the inquiry were directed to the question whether the present system was sufficient for its object. That might be construed to mean, whether the Parliamentary grants distributed under the Minutes of Council had attained their object. Now, the object professed was to improve the education given and to stimulate the exertions of its promoters: by increasing and improving the buildings; by raising the qualifications of the masters; by the employment of pupil teachers; by the cheap dissemination of good books; and by the establishment of normal training colleges. Investigation into those points could hardly now be required. Government aid and superintendence had not superseded, but has increased voluntary efforts; for every shilling given from the public purse, two shillings were subscribed from other sources. Those who complained of the rigidness with which the grants were distributed, should remember, that a relaxation of the conditions would weaken the stimulus now afforded to private exertions. If grants were regulated by the deficiencies instead of the success of a district, they would lose half their efficiency. The two great hindrances to the general spread of education were, the early age at which the children now left the schools, and the irregularity of their attendance—evils attributable to the indifference of their parents. These impediments existed not in this country only, but in France, where, the attendance not being compulsory, there were 850,000 children who did not go to school at all, and a vast number who went only two or three days a week, or for only half the year. So urgent and permanent were the demands for children's labour, that he despaired of seeing any measure adopted that would induce the working classes to keep their children at school long enough to acquire a complete education. Attention ought not to be too exclusively concentrated on the primary schools. It would be sad to think that the beginning and end of the education of the children of the working classes must take place in those schools. A foundation only could be laid there. The children of the poor would never be properly instructed until the schools were adapted to their circumstances. It was while these young persons were earning their daily bread that they could hope to enable them to follow up the commencement they had made in the elementary schools. Happily, in various parts of the country, great efforts were being made to establish evening schools, and the Privy Council had not neglected that important subject. They now gave gratuities to teachers employed only in the evening, and who did not adopt education generally as a profession. They had also been extending grants for aid to schoolmasters who devoted themselves to the visiting of night schools, and evening classes connected with mechanics' institutions and similar organizations. There was not, in his opinion, a nobler field for the exertions of benevolent and philanthropic individuals at the present time than that in which they could render services as volunteers in evening schools for adult persons. They had had in the Metropolis some remarkable instances of the success of schools of that kind, and in those schools in which the success had been greatest, it had depended on two conditions—first, a careful classification of the students, so that the old should not be discouraged by competition with the young, or the more ignorant with the more advanced: and, secondly, a proper selection of the topics of instruction, which were those that the class of persons frequenting the schools were the most desirous of being instructed in. In connection with King's College, London, there were some evening schools, and there the professors followed the plan of leaving it to the students to select the subjects of instruction for themselves. Each student put down his name for any particular branch of study, and whenever a sufficient number of names had been obtained a class was formed. That system had answered admirably; and it was curious to see the subjects which had been selected. The subjects most in request had been French, Latin, and others which the House would scarcely at first have supposed the class of persons in attendance would have preferred. The Working Men's College, in London, had also met with great success. That, indeed, was a means of instruction from which he hoped great things. The Privy Council had not

neglected another point — namely, industrial training both for boys and girls,—and had given it every encouragement. A complaint which was frequently made, that girls in schools were not sufficiently taught needlework and domestic economy, the Privy Council had endeavoured to remedy by requiring that every girl, before becoming a pupil teacher or a Queen's scholar, should be examined in those branches. He could concur with what had been said by the hon. Member for Oldham (Mr. W. J. Fox) as to the relative number of children in attendance in schools compared with the amount of school accommodation provided. He (Mr. Cowper) found the returns for last year showed that in schools in which there was accommodation for 875,000 children, the average attendance did not exceed 570,000. He believed, indeed, that the developement of the existing means of education was all that was at present necessary. The progress of education was as rapid as was consistent with sound growth and permanence; it was rare to find any retrograde movement; the reports both of the Inspectors and of the National Society showed that there was a continual progress, and that dame schools were rapidly giving way to a higher class of inspected schools. He could not think that the charge of indifference against that House was altogether just. At least, if there were any indifference on the subject of education he would say it was not greater on the part of that House than among the bulk of the people whom they represented. He believed education owed almost all its force and support to the religious bodies and to the Government of the country. The great bulk of the owners of property and of the middle classes, he feared, did not appreciate education to the extent that those persons did who were actively employed in carrying it on; and that would be one of the causes which would inspire him with alarm if we were suddenly to give up our existing plan, and throw much more of the duty of education on those who represented the ratepayers. He heard with some anxiety the allusion made by the right hon. Baronet to the Poor Laws. He (Mr. Cowper) should be sorry to see the day when an education rate was placed in the same category as a poor rate or a gas rate, because he thought that would be putting education in an unfair position, and awakening an opposition to it which at present did not exist. The middle classes in such a case would ask why they were to be called on to pay a rate for an education to be given to the poorer classes, which was actually better than the one they were giving their own children? If that comparison was likely to result in an improvement in middle-class education he would not object; but his experience told him that the more probable course which that class would take would be to cut down the expense and reduce the elementary schools below the level of their own. He did not think it would be desirable, therefore, to depart from the existing system. The wisest course, as it appeared to him, was to hold by what we had and advance steadily in the path in which we found ourselves. He should be sorry to see education removed from the hands in which it was now placed—from persons who valued it, believed in it, and accepted it as a duty, and from those who acknowledged that the children of the poor had a claim on their property for instruction. By imposing it as a burden on those who would not receive it willingly, we should not well discharge the trust we had inherited; and we had better not be discontented with the amount of success which, by the blessing of Divine Providence, had been vouchsafed to us. He would only say, in conclusion, if the right hon. Baronet would so word his Motion as not to involve an examination into the present system, he (Mr. Cowper) might entertain some hope that the House would come to an agreement on the subject and be saved the necessity of opposing the Motion then before it.

MR. HENLEY: Sir, I am thankful to my right hon. Friend (Sir John Pakington) for affording the House, by the Motion he has brought forward, the opportunity of hearing so sound and excellent an exposition of educational principles as has just fallen from the right hon. Gentleman who has just addressed us. I agree with almost every word that has been said by the right hon. Gentleman who has just resumed his seat. I asked my right hon. Friend privately if he would consent to limit the inquiry to those two great matters that most press on the House, and about which all must desire to get information, while, directly we go further, differences of opinion arise, and apprehensions as to the object of the inquiry prevent its taking place. One of these subjects has been described very fairly by the apposite name of the

half-time system. The larger view of it was to ascertain the reason why children leave school at so early an age that it is impossible for them to receive a sufficient education. I am quite ready to agree to an inquiry into that. The other point is still of greater consequence. Take this town, for example—one of immense population. A vast number of children neither go to school nor to work. These are the most destitute part of the juvenile children, and are those to whom I think we should direct our attention in the first instance. Now, what is the likeliest mode by which these children can be assisted? I believe you could only get at that class by applying yourselves by humbler means to the poor themselves. I do not believe that a Commission of Inquiry would do them any good. It is not very easy for persons in different ranks of life to get behind the scenes and curtains to those parties. Those earnest men who are wholly engaged in home missionary work are the most likely persons to secure those children. Whether my right hon. Friend means to alter the words of his proposition so as to meet the suggestion of the Government, I know not. I sincerely hope he may. But there is another reason why this Commission should not be appointed in the general terms proposed. The right hon. Gentleman opposite (Mr. Cowper) had used terms of great eulogy in speaking of those persons who have undertaken the great task of education. It would, therefore, be impertinent in me to say a word more upon that point. But the right hon. Gentleman has not stated that which is an important fact—namely, that probably out of the 2,200,000 children who are receiving education throughout the country there are about 1,500,000 who are being educated without a farthing cost to the State. Now, I think that that is a point which ought not to be lost sight of. The schools in which those children are educated are maintained by religious bodies, by societies, and by individuals, and I ask what right have you to go with your Commission and question them as to their proceedings? Many of them, most probably, would shut the door in your face. Is it fair to put those parties, who you admit have laid the foundation of so much good before the State had interfered—is it, I say, fair or right to place them in the invidious position of either defying the Queen's Commission, or of subjecting themselves to an inquiry which they utterly and entirely dislike? I doubt whether it is just or politic. You have an increase in the Privy Council grant, but you know that from other resources a vast number of schools have been set up, with which you have nothing whatever to do. Think you that this measure of a Commission will not suspend their operations? Is the man who is doing his best to give the poor children of his neighbourhood an education in those schools to be dragged out from his modest retirement for the purpose of being put into a blue book? If the Commission is to do this, it will indeed be a poor return for what these people are doing without asking one shilling of your money. I am not surprised at hearing the hon. Member for Oldham (Mr. W. J. Fox), the consistent advocate of secular education, express a wish for this sort of inquiry, because, shut your eyes at it as you may, the right hon. Baronet who moved the proposition has told you, as plainly as possible, that he wants no further knowledge on the subject—that his mind was made up on the question two years ago. My right hon. Friend has had his knowledge so complete on the subject as to induce him to propose a large measure of education. It was not only a centralized system, but it would have cost the country £2,000,000 of money out of the Exchequer, besides £2,000,000 more to be otherwise obtained. He urges us to accept this Commission, because, he says, the Poor Law had been beneficially amended in the same way. But there is no analogy between the two cases. Your Commission of Inquiry into the Poor Laws was one which dealt altogether with rate money. Here the larger portion of the money required is not public but private money. Therefore, my right hon. Friend's analogy was wholly fallacious. I hope that my right hon. Friend will assent to the suggestion, and limit his inquiry to the points mentioned by the Vice President of the Committee of Education, because I think it is a great point that we should be as unanimous as possible upon this question. We are all agreed upon the point that it would be beneficial to diffuse the blessings of education as largely as possible amongst the population. Can we not, then, content ourselves with doing that which must result in a practical good, and not commit ourselves to a general inquiry, which no doubt is meant to lead to a general system? We must consider what the

former proposition of my right hon. Friend was. We should recollect the proposition, too, of the noble Lord the Member for London—how the noble Lord wanted, not only the rating principle, but that of compulsion. The noble Lord shakes his head, but I think that his Resolution went very near that description. I am afraid I have not the noble Lord's Resolution with me; but, if I do not forget, it is to this effect, that no persons should employ any one who had not received a certain amount of education, and who had not been at school for a certain time. I will not dispute with the noble Lord what amount of compulsion such a Resolution involved. My right hon. Friend near me made reference to Austria as a country being in a preferable condition to ourselves as regarded education. All I can say on this point is, that the official statements do not bear out this assertion. I took the trouble of inquiring into the matter, and I find that if we refer to the whole Austrian dominions and not solely to Austria proper that statement is not correct. My right hon. Friend intimates now that he referred only to Austria proper, but that is not quite a fair test. As well might any particular county of England showing a favourable result be taken to represent the whole country. But if the province of Austria is to be taken as a guide on education, perhaps my right hon. Friend will add, as an appendant to his remarks, the number of illegitimate children annually born there, of which he is as well aware as I am, and we shall be then better able to judge of the high moral tone of education that is diffused there. It certainly happens that the number of children educated there is enormously high, but the number of bastards is quite in proportion. I did not intend to allude to this point, but as my right hon. Friend insists upon it, I cannot help mentioning these facts. Another serious objection which stands in the face of my right hon. Friend's Resolution is, that there is not the least allusion to religious education throughout. I feel this the more, for this reason. The noble Lord opposite (Lord J. Russell) whose services in the cause of education I shall be always willing to acknowledge, in all his propositions has affirmed the principle of the necessity of the reading of the Bible; I regret, however, to say, that in none of my right hon. Friend's propositions has he ever affirmed anything of the kind. He has certainly stated that if the House wished it he would be ready to do so, but he allied himself last year completely with the secular party. [Sir J. PAKINGTON: No, no!] My right hon. Friend dissents, but in the Resolution passed by the secular education party in Manchester, there was an understanding that the Bill was not to pass unless the secular principle was introduced into it. [Sir J. PAKINGTON: I had nothing to do with that.] My right hon. Friend says he had nothing to do with that, but he nevertheless espoused the principle. In consequence of the state of things, I have looked at my right hon. Friend's Resolution with considerable jealousy. When I see at the end of it a suggestion of means for a sound and cheap elementary instruction, I say that it might or might not include religious teaching. I believe, according to the ordinary acceptation of those words, they would include religious teaching. I cannot forget in the University Bills how careful we were to introduce religion in the preamble as well as the clauses of the Bills. I am glad to hear that the Government propose to strike out the latter part of the proposition, and I should be most happy if my right hon. Friend should agree to this suggestion. If the Resolution is limited to the points indicated by the right hon. Gentleman opposite (Mr. Cowper) there will be no heart-burning, no jealousy; but if it should be adopted in its general terms, there would naturally be created an apprehension that parties would be appointed on the Commission who would get up a report of a particular character for the purpose of having enacted a general scheme of education. I am sure the right hon. Gentleman does not think so. I believe he feels with me that the moment we have established among us any general scheme of national education, the result will be simple secular teaching. I believe that—in all free countries, at least—that will be the invariable result. It has been so in America, and it must be so here too. I see many things going on just now which ought to put the friends of religious education on their guard. There are parties—not professed enemies to religious teaching—who would yet confine religious education strictly to doctrinal teaching in particular forms and at particular hours. If the friends of religious education suffered themselves to be driven into that corner, depend upon it they were in danger of giving up the whole case. It was very necessary and very right to teach doctrinal religion and theology, or whatever they might

call it. The Church did so in set forms; other parties did it as the occasion arose, or out of the Scriptures. But religious education must go further than that, or it would be useless. The master ought to be an earnest man, who would omit no opportunity of enforcing or illustrating his doctrines. If a child lied, and children would lie—if he stole, and children would steal—if they were crabbed and ill-tempered one towards another, the master would tell him that he ought not to do these things, because the first two were contrary to the commandments of God; and the third, because to be kindly affectioned one to another was the commandment of their Saviour. These things must be occurring in the school every hour and almost every minute, and the master could not enforce his own teaching without bringing out those great truths to the children, which, according to the scheme he was commenting on, were only to be taught by a particular form. It is of no use to say that matters would not be driven to this extreme. The people of England are far from being a Jesuitical people, and if an Englishman undertakes not to teach religion, why, he will not. He will tell the child that steals to be afraid of the great policeman and nothing more. I quite agree with the noble Lord opposite that no morality can be taught which is not based on religion, and I believe the people of this country are of the same opinion; so much so, that I do not believe any class in the community, rich or poor, will send their children to a school where religion is avowedly not taught. For these reasons I am opposed to anything being done which would lead even indirectly to a general scheme of education. Let us develope as far as we can what we have got which is doing good, but let us not suspend its operations by keeping something dangling before the eyes of people, and lead them to do nothing, but gaze with their mouths wide open to see what this great Commission will drop into them. I hope, therefore, that my right hon. Friend will agree to the suggestion of the Government.

LORD JOHN RUSSELL: I was in hopes that the Motion made by my right hon. Friend the Member for Droitwich was so reasonable in itself, and that the remarks with which he introduced it were so judicious and temperate, that the House would have at once acceded to his proposal. I have, however, been so often disappointed in expectations that this House, and people generally, would agree to proposals for the promotion of education that, although disappointed, I am not surprised at the opposition which has been raised. Let me, however, remark that the opposition to the present proposition is but a renewal of the opposition which has been made to every proposal that has tended to further education. When a proposal was made by Lord Brougham, who has always been active and zealous in the cause of education, to inquire into the state of charitable trusts, there was an immense quantity of political opposition, and every sort of imputation was cast upon him as if he was going to rob those trusts of their property. Again, when, in 1839, I, in consort with my noble Friend the Marquess of Lansdowne, proposed the scheme of the Committee of Council, we were met with the greatest opposition in this House, and the first grant for the purpose of education was only carried, after a long debate, by a majority of two. I now find the hon. Gentleman (Mr. Hardy), who spoke with much ability at the commencement of this discussion, founding himself upon the Minutes of Council, declaring how excellent that system is, and begging us not to disturb its progress, but to rely upon its efficacy. It is, I must own, a consolation to those who make advances in the face of much opposition to find many years afterwards that what was at first denounced as perilous and injurious becomes very soon an established part of our system, which it is reckoned the duty of every true Conservative to support and maintain. Again, the Minutes of 1846, when first promulgated, met with great opposition throughout the country, and petitions in great numbers were presented against them. The last change which I had the pleasure of making in conjunction with my right hon. Friend the Member for Oxford University (Mr. Gladstone), then Chancellor of the Exchequer, namely, that which established capitation grants, was not so much opposed; but, on the other hand, it has not hitherto been carried to the extent that is necessary in order to promote generally the cause of education. Let me remark, as the foundation of the Motion of the right hon. Baronet the Member for Droitwich, that some hon. Gentlemen have entirely mistaken the present system. They seem to suppose that the Inspectors are persons who inspect the whole education of the country, that we have but to tell them to report and they can at once inform us of

the state of that education. Why, they are debarred from making any such inquiry. It is but incidentally that they can give information as to the rate of education in any particular district. The Committee of Council was appointed to see to the application of grants previously made by the Treasury to assist in the erection, and afterwards in the maintenance of schools where persons were willing to contribute; but in the case of districts from which no application is made, and where no persons offer to contribute, the Inspectors must remain in entire ignorance of the particular details of such parts of the country, and therefore they are quite unable for that reason, if not for others, to give us any detailed or true report of the state of education there. Add to this, that their whole time is employed in visiting the schools which they are specially desired to examine. Now, what is the amount of education over which they have any superintendence? The Vice President of the Committee of Council has told you that there are about 570,000 children receiving education in these schools, while, according to the report of Mr. Horace Mann, which is the latest we have on the subject, but which is at the same time very general, there are 2,000,000 of persons between five and fifteen receiving education at school. It will be seen, therefore, that the reports of the Inspectors refer to only a small fraction of the children undergoing instruction throughout the country. But, besides that, Mr. Mann states that there are about 1,000,000 who are at work, and who do not go to school. He makes another allowance for a certain number of children who are out picking pockets and thieving in the streets, and who, he says, cannot be expected to attend school while thus engaged. Again, he reckons a number—whether 1,000,000 or 2,000,000 I do not exactly recollect—who are neither at work nor at school; making altogether somewhere about 4,000,000 children, of whom, as far as the reports of the Inspectors are concerned, we know nothing. The right hon. Gentleman who spoke last objects, as it seems to me somewhat inconsistently, to the proposed inquiry. He said in the latter part of his speech that children are apt to lie and steal, and that they should be taught not to lie or steal, because it is contrary to the commands of God. I quite agree with him; but why? If that is to be taught to the children who attend school, is it not to be taught to those who are running about the streets, and who do not go to school? Is it an advantage or is it not, that the children of this country should receive a religious, a moral, and a secular education? I believe it is an advantage. Some Gentlemen deny that it is an advantage. With regard to them there is an end of the question, and I cannot dispute it. But I would ask the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) and the great majority of the House who think it an advantage, to see how that advantage is to be extended. There are 4,000,000 or 5,000,000 children in want of education. The present system extends to only 570,000. Why is it restricted to that number? The answer is easy. It was proposed to assist by grants the means of those who were willing to build schools and carry them on, but who could not themselves provide all the resources necessary for that purpose. The hope was that the establishment of these schools would lead by example to the establishment of others, and that thus the system might spread. It was very much in the nature of an experiment, and it remained to be seen whether that extension of education took place rapidly and generally, or whether it was a slow and partial process. The system has been now in operation for about eighteen years, and I must say that, though with regard to those children who are under education it has been very successful, it has not spread so rapidly or so extensively as could have been wished. Let me ask, then, what is to be done? You are not making any very great progress at present, because, I believe, if any one will look at the amount and increase of the grants, and then look at the increase of the number of children, he will find that at least the 70,000, who have been added recently to the list of scholars, are receiving grants from the State to a much larger proportionate amount in money than the 500,000 who first received the benefits of the system. If that is the case, I think it is deserving of inquiry how the system can be beneficially extended. I can conceive many ways in which it might be beneficially extended. For example, I believe that in many cases the clergy of the Established Church, as well as the ministers of Dissenting denominations, would be willing with their congregations to contribute to a certain amount, not, perhaps, complying with all the conditions of the Committee of Privy Council, but

yet making better schools than now exist. Would not that be a desirable object? I believe we have greatly improved the quality of education, but we ought not to lose sight of quantity, and if we find in certain districts education making no progress, is it not desirable to examine whether, by restricted grants and less stringent conditions, we may not be able to extend the present system? A Bishop of the Established Church has told me that he thinks much might be done, and he pointed out to me that there were whole districts in his diocese in which there were no schools of any value whatever. I have heard others, who have great practical experience say, that while in their own places there were schools very well conducted, that the grants of the Privy Council were not only sufficient but were munificent, you might go for ten or twelve miles from their parishes and not find a single locality in which a valuable school existed. You cannot at present inquire into these facts; your Inspectors cannot tell you anything about them. Is it not worth while, then, to have an ivestigation which shall inform you as to the actual state of things? I do not say what system should be adopted. The right hon. Baronet has been taunted with a desire to carry his previous propositions into effect. I do not think this is very handsome or liberal towards him, but I have no doubt that when he has got all the facts before him, and when he sees the disposition of the country and of Parliament, he will not consider himself bound by those particular propositions; he will endeavour to modify and suit them to the results of the inquiry and what the general disposition of Parliament may sanction. The hon. Member for North Staffordshire (Mr. Adderley) spoke of middle-class education, and said there ought to be an inquiry into that subject, because persons of the middle class were not receiving so good an education as those of the poorer classes. I quite admit that it is desirable this education should be improved. I do not suppose, however, the hon. Member means that there should be grants of Parliament in order to enable those who have ample resources of their own to educate their children, but he does mean—I think with great sense and judgment—that they should be able to send their sons to grammar schools conducted according to the original foundations of such institutions, and which, as they at present exist, are capable of great improvement. If, however, the hon. Member will inquire into that subject, he will find it only requires a few alterations of the law to enable the Commissioners of Charitable Trusts to effect that object. I had great satisfaction in carrying the Charitable Trusts Bill through this House. I believe that the present Commissioners are entirely worthy of the confidence of Parliament. My right hon. Friend the Chancellor of the Duchy of Lancaster (Mr. Baines) is a member of that Commission; he, of course, has the confidence of the Government; and if he were intrusted with a Bill to alter and amend the present Act, all that the hon. Member for Staffordshire requires would be accomplished. I know the Chief Commissioner himself is most anxious to have powers by which great benefits may be conferred upon the country. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley) has truly said that in any plan of education which I have proposed I have always insisted upon at least a knowledge of the Bible being communicated to the children. I think it would be a very great misfortune if, in order to smooth over difficulties and put an end to jarring among different sectaries, any system of secular education were established by which religion should not be made the foundation of the instruction to be imparted in the schools. I cannot but think that a system of mere secular education, independent of the Bible, would be regarded in this country in no other light than as being adverse to the Bible. The people of England may however, in my opinion, without adopting any such scheme, or indeed any very general scheme, be induced to extend that system of education which is already in force. Too much of an exclusive spirit—I am happy to say that spirit is gradually disappearing—has hitherto prevailed among the members of the different branches of the Christian Church in not admitting their children to attend certain schools because they could not in those schools receive instruction in the particular religious doctrines which their parents happened to profess. The Marquess of Lansdowne endeavoured to meet that difficulty in a way which was, perhaps, wise under all the circumstances with which he had to deal. He proposed that, in the case of those parishes in which the Church of England Catechism was invariably taught in the existing schools, a grant should be made to Dissenters to enable them to set up schools in the same locality. But

while I admit that a remedy for the evil might, by the adoption of that course, to some extent be afforded, I cannot help thinking that it is open to objection, inasmuch as a spirit of rivalry is likely to be excited between those two classes of schools which may lead to many disagreeable results. Now, as to the particular Motion that has been submitted to us by the right hon. Baronet the Member for Droitwich, I own I do not well understand the view with respect to it which seems to be taken by my right hon. Friend the Vice President of the Committee of Council on Education, I am of opinion that to issue a Commission merely to inquire into half-time and to take into consideration the case of the children in our populous towns, to the exclusion of those residing in the country, would be to appoint a Commission without any adequate object. I trust that the right hon. Baronet will not assent to such a mutilation of his scheme as his concurrence in a proposition of that character would involve. Whether certain words embraced in his Motion might not with advantage be omitted is a matter entirely for his own consideration; but I do trust that the powers of the Commission, if it should be granted, will not be unnecessarily limited. It is said that the appointment of a Commission would be productive of considerable expense. I may, however, remark that, as we have been told this evening, £600,000 are annually spent for educational purposes, we may very legitimately endeavour, by means of the labour of the proposed Commission, to ascertain whether that sum might not be so managed as to go further than it now does in the extension of education in this country. Any sum, in my opinion, which might be laid out on this Commission would be amply repaid. In the case of the Poor-law Commission an expenditure of £50,000 was incurred; but, inasmuch as within a period of two or three years its labours resulted in a saving of £2,000,000, the country had, I think, no right to complain. That, my right hon. Friend below me (Mr. Cowper) may say, is not a fair precedent to take, because the Poor-law Commission was issued to inquire into the expenditure of rates levied upon the public at large, and encountered little or no difficulty in obtaining the information which it sought. Now, for my own part, I do not imagine that either landowners or clergymen would be found in the slightest degree unwilling to answer any question which might be put to them as to the state of education in their respective parishes. I believe, on the contrary, that the wish to promote education prevails very generally throughout the country, and that any assistance which the Commissioners may require they would receive at the House of the squire or the clergyman, who would be only too happy to point out any schools with which he might be connected, and to offer suggestions—not being, of course, under any compulsion to do so—upon which the Commissioners might afterwards find it desirable to act. I am then, of opinion, that if this Motion be carried a very considerable object will be effected. It appears to me to be a very moderate and reasonable Motion. It binds us to no particular system, or even any alteration of the present system of education, while it lays the groundwork of future improvement. We have been told that Austria furnishes us with no precedent in connection with this question. In that proposition I entirely concur. We possess in this country the inestimable advantage which the people enjoy in being at liberty to read at their schools the great works of our English authors. They are brought up in habits of liberty suitable to our constitution. No compulsory action could produce anything like the advantages which result from that freedom, and I for one cannot give my assent to any compulsory scheme, which, by approximating to those in vogue on the Continent, would tend to deprive them of its happy influence.

MR. BRISCOE said, he would express his hope that the right hon. Member would not consent to the Amendment proposed, as it would have the effect of entirely depriving his Resolution of its value, and he entirely agreed with the noble Lord that any system of secular education would be repulsive to the feelings of the House, and opposed to the wishes of the country at large.

SIR JOHN PAKINGTON said, that the hon. Member for Leominster (Mr. Hardy) had made an able speech, but it was not so much in answer to the Motion as a most successful destruction of objections raised by himself, and demolished as he went along. A great part of the speech was directed against compulsory objections, to which he (Sir John Pakington) had never adverted. He differed from the hon. Member when he said that the country was satisfied with the progress made. If that had been the case, why all the conferences and discussions on the subject? One case would illustrate the necessity for inquiry.

Visiting a friend in the Midland Counties, he found a parish of about 6000 acres, with a perfect system of schools. The adjacent parish embraced an area of 13,000 acres, containing 1,100 inhabitants, but with no clergyman, with a curate frequently changed, possessed no school, and was totally unprovided with any means of educating the poorer classes. The present system did not meet such a case as that, and did not reach the poorer districts either in town or country. That was the state of things, to which he was desirous a remedy should be applied; and in wishing to effect that object he by no means sought to overturn, but rather to aid and supplement the present system. The hon. Member for North Staffordshire (Mr. Adderley) said, they paid Inspectors to give them information, and therefore no inquiry was necessary. They certainly did pay them for information with regard to schools which they did inspect, but he did not think any Irishman would have argued on that account that they should be asked to give information with regard to schools which they did not inspect. Then his right hon. Friend (Mr. Henley) could not forget the old story about Austria, and said it was not true that "in the Austrian dominions" the percentage of schools was higher than in England. Now he (Sir John Pakington) had only spoken of Austria,—not of the Austrian dominions. Then his right hon. Friend had referred to the immorality prevalent in that country, but he suspected it would be easy to show that this immorality had nothing whatever to do with the system of education adopted there. Why was it, however, that his right hon. Friend always confined his remarks to Austria, and never grappled with the cases of Holland, Saxony, Switzerland, and other places where the percentage was far more satisfactory than here? Again, he thought he was hardly used with fairness when he was charged with being an advocate of the secular system. That he begged to deny in the most emphatic manner. His right hon. Friend had quoted a Resolution which had been passed by a society of which he (Sir John Pakington) was not a member, at whose meeting he did not attend, and after that held him responsible for what took place at that meeting. He (Sir John Pakington) declared now, as he had before over and over again declared, that no education could be satisfactory which did not embrace religious teaching. At the same time he deeply lamented the unhappy divisions which prevailed on this subject. Let him say this, moreover, that not very long ago he inspected an avowedly secular school in Manchester. It was the only secular school he had ever entered for the purpose of inspection, and he was bound to say that he never heard better religious teaching, founded completely on the Bible and the authority of Holy Scripture, than he heard in that secular school. He remarked to the promoters of that school, how is it, that allowing and encouraging instruction founded upon Holy Scriptures, you exclude the Holy Scriptures from your schools? To him it seemed an error and a complete mistake. The answer he received was, that by excluding the Holy Scriptures, Roman Catholic children were brought into the school. He did not, however, think that a sufficient answer, and his firm belief was that if they could only get rid of the religious jealousies which existed the secular system would vanish altogether. Nothing, in his mind, was more to be lamented than those religious difficulties; and while he avowed himself an advocate of religious teaching, he heartily wished that some compromise could be devised by which they would be put an end to; for he could not close his eyes to the fact, that while they were disputing how religious teaching should be given, the practical result was that a vast amount of irreligion was being created in the country. With regard to the observations of his right hon. Friend the Vice President of the Board of Education, he (Sir John Pakington) felt painfully the onerousness of the position he occupied on this question. He had addressed the House under difficult circumstances. The House was aware that he differed from many hon. Friends, with whom he usually acted, in his desire to spread education and religious teaching upon liberal principles. Any efforts, therefore, that he might make upon this subject were unconnected with party. He must complain of his right hon. Friend the Vice President of the Board of Education, that he had hardly dealt fairly by him. It had been held out to him, that Her Majesty's Government intended to support his Motion as it stood upon the paper. His right hon. Friend had to-night stated the views of the Government upon the subject; and he must say that he agreed with his noble Friend (Lord John Russell), that he could not clearly understand what was the middle course which his right hon. Friend seemed to point out. His right hon. Friend proposed that he

should stop at the words "popular education in England" in the Resolution. His (Sir John Pakington's) answer to that proposal was, that he entirely agreed with his noble Friend (Lord John Russell), when he said that he had better at once withdraw the Motion and abandon it, than consent, for the sake of a nominal success, to any compromise which would prevent the inquiry from being a *bonâ fide* useful inquiry. On the other hand, he repeated that he had no desire to attack the present system, but clung to the hope of the permanence of that system, as a valuable portion of education. What he did desire was, that he should have a useful and an effective inquiry, partly as to the circumstances under which children generally left school at an early age, and, above all, into the state of those districts in England where the action of the Privy Council did not meet the requirements of the case; for it was a grave and important subject for inquiry how best to extend the present system, and aid the action of the Privy Council, so as to make the system more complete and uniform than it was. These were objects with respect to which he was desirous of inquiry; and having thus stated them, he thought it would be useless for him to divide against the Government. His right hon. Friend did, he admitted, purpose to meet his views to a considerable extent; but they must not only look to inquiry, but to the result of that inquiry in a report. Was this to be an inquiry from which they might hope any practical valuable result? If that was to be the *bona fide* scope of it, then he had no objection to leave it in the hands of the Government; but in concluding, there was one suggestion which he would offer. His right hon. Friend (Mr. Cowper) seemed to apprehend that a portion of his Resolution would have the effect of destroying the existing system of the Privy Council. He (Sir John Pakington) therefore should have no objection to clear the ground by leaving out the words, "whether the present system is, or is not, sufficient for its objects."

Mr. COWPER said, that the altered form of the Motion suggested by the right hon. Baronet would perfectly meet his views. An inquiry into the causes which prevented the children of the poor from getting the education provided for them would no doubt be most useful. But if the inquiry was extended further into the operation of the present system, it must prove mischievous in its results. To the Resolution as proposed to be altered he would give his consent.

Viscount PALMERSTON hoped his hon. Friend (Mr. Hadfield) would not now persist in his Amendment. It appeared to him that the Motion of the right hon. Baronet, in its altered form, would meet the views of the House generally, and he trusted that his hon. Friend would be satisfied with having put his views upon record.

Mr. HENLEY said, that in his opinion the Resolution, even in its altered shape, went far beyond the views of the right hon. Gentleman. Under these circumstances he should feel it his duty to divide the House against the Resolution.

Mr. HADFIELD withdrew his Amendment.

Sir JOHN PAKINGTON said, he would now withdraw his original Motion, and submit it in its amendment form to the House.

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue a Commission to inquire into the present state of popular education in England, and to consider and report what measures, if any, are required for the extension of sound and cheap elementary instruction to all classes of the people."

The House *divided;* Ayes 110; Noes 49; Majority 61.

GAOLS AND HOUSES OF CORRECTION BILL.—SECOND READING.

Order for Second Reading read; Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. BOWYER moved the Second Reading of this Bill.

Mr. SPOONER said, that the prints of the Bill, which made a most important change in the discipline of gaols, had only been delivered that morning, and he trusted, therefore, that the Second Reading would be postponed.

Mr. BOWYER said, if it were the pleasure of the House, he would consent to postpone the Second Reading, though the Bill was not entirely new to the House, as he had introduced a similar measure two years ago. The object of the measure was to give facilities for prisoners being visited by the ministers of the religious denominations to which they belonged.

The CHANCELLOR of the EXCHEQUER said, the Bill consisted of only four clauses, but as the right hon. Baronet the Secretary of State for the Home Depart-

ment was absent, he hoped that the hon. and learned Gentleman would consent to the debate being adjourned.

Debate *adjourned* till *Wednesday* next.

House adjourned at One o'clock.

HOUSE OF LORDS,

Friday, February 12, 1858.

MINUTES.] PUBLIC BILLS.—1ª Lady Havelock and Sir Henry Havelock's Annuities.

THE VOTE OF THANKS.—THE DEFENCE OF ARRAH.—EXPLANATION.

THE EARL OF DERBY said, he would take that opportunity of repairing an injustice which he had involuntarily committed on Monday evening, with regard to a gentleman in India to whose gallantry and perseverance the country was extremely indebted during the late struggle, and the omission of whose name had, he understood, caused some annoyance to his relatives and friends in this country. In supplying what he thought an omission on the part of the noble Lord the Secretary for the War Department (Lord Panmure), he took the opportunity of mentioning the names of some of those civilians who had most distinguished themselves in the recent troubles in India; and he alluded, among other circumstances, to the defence of the military garrison and post, or, rather he should say, the bungalow, of Arrah, than which, on a small scale, he did not think he had heard throughout the whole course of these transactions of a more heroic achievement. With the mention of that defence he coupled the name of Mr. Boyle, the engineer of the railway, to whose science and engineering skill the garrison were much indebted for the ultimate success of their gallant defence. But, certainly, the person who was the chief of that handful of British and Sikhs, who took upon himself, in the first instance, the responsibility of defending the post, which had been abandoned as untenable by his superior officer,—who had the chief responsibility and consequently the chief share in the merit of the transaction, was the resident magistrate of the district, Mr. Wake, and he found that the omission of that gentleman's name had caused annoyance to his friends in this country. He was quite aware that the mention of a name either for praise or censure by a private individual had much less weight than if it had been made by a Member of the Government; at the same time the place where his (the Earl of Derby's) observations were made and the audience before whom they were made gave them a degree of weight and importance that otherwise they were not entitled to. He was not surprised, therefore, at jealousy being felt at the supposed slight. He believed that Mr. Wake was a near relative of a right rev. Prelate, whom he did not then see in his place in the House; but he (the Earl of Derby) now assured him through the ordinary means by which what passed in that House became known out of doors, that nothing could have been further from his intention than to cast any slur, or slight, or imputation upon the signal merit of a gentleman, whose defence of Arrah had been pronounced by Major General Eyre, in his official despatches, as "little short of miraculous."

EARL GRANVILLE said, that nothing could be more fair or just than the explanation of the noble Earl (the Earl of Derby). The reason that had influenced his noble Friend (Lord Panmure) in not mentioning in his speech of Monday night the names of all the civilians who had distinguished themselves in so remarkable a manner during the recent events in India was simply the great number of those who had been so engaged, and which rendered it almost impossible to mention one without causing annoyance to others.

IMPRISONMENT FOR DEBT.

LORD BROUGHAM said, that in moving for certain returns relating to petitioners in the Insolvent Courts, and making a few observations on the subject of imprisonment for debt, it was not his intention to enter upon the important question of bankruptcy generally, because the subject was at that time under the consideration of his noble and learned Friend on the woolsack, and he believed that before long the result of his inquiries would be laid before their Lordships. That to which he was about to direct their Lordships' attention was the proceedings which had taken place during the last thirty years with respect to imprisonment for debt, and to give them a short and summary account of those proceedings. It was exactly thirty years ago, and about this very day, that he had directed the attention of the other House of Paliament to that most important matter, amongst a great number of others connected with the structure and administration of the law.

Out of the statements he then made, and the Motion for an Address to the Crown which he moved, arose two Commissions—one respecting the law of real property, at the head of which, most fortunately for the improvement of the law, was placed his noble and learned Friend the Lord Chief Justice; the other upon common law procedure—upon everything relating to the common law, in fact, except the law of real property and the criminal law, the former of which was excepted from the inquiry because it was in other hands, and the latter because it was in the hands of the Commission over which his noble and learned Friend presided. From these two Commissions proceeded reports of the greatest moment. The report of the Commission presided over by the Lord Chief Justice gave rise to a number of most important improvements of the law in various Bills that were brought in by himself (Lord Brougham), with the hearty assistance of Lord Lyndhurst, upon the Reports of the Commission, and which passed their Lordships' House and received the sanction of the other branch of the Legislature, and which, in particular, effected a great and important—he would say an invaluable—improvement in the procedure respecting real property. From the other Commission also proceeded various Reports, some of more and others of less value, but all of considerable importance. But that to which he was about chiefly to direct their Lordships' attention was the Report of the Commission upon imprisonment for debt. The members of that Commission included his hon. and learned Friend the present Chief Baron (Sir Frederick Pollock), Mr. Justice Wightman, and Mr. Starkie; and they reported their clear and decided opinion in favour of abolishing imprisonment for debt, not only upon *mesne* process but in execution upon final judgment; but they gave the preference to the latter over the former, on the ground that the efficacy of arrest upon *mesne* process was undeniable, because there was some chance of obtaining payment of a debt, an almost certain prospect of preventing the absconding of the debtor, and at all events it was a force which could be applied to him whilst he had property at his disposal; whereas, said they, if you wait until the whole case is gone through, brought to judgment, and execution taken out on that judgment, in very many cases you find no property upon which to levy execution. However, he (Lord Brougham) was decidedly of opinion, as their Lordships also were of opinion, that it was better to adopt the other course, and put an end, first of all, to arrest upon *mesne* process. Accordingly a Bill was brought in by his late noble and learned Friend, Lord Cottenham, then Chancellor, under which arrest upon *mesne* process entirely ceased. The principle upon which he (Lord Brougham) had ventured to state in 1828 that imprisonment for debt ought to cease, and which was entirely sanctioned by the opinion of the learned Commissioners upon whose recommendations the Bill now on their Lordships' table was founded, both as to the abolition of the one species of imprisonment and the other, was that on all occasions, and in every possible and practicable way, a distinction ought to be drawn between a debt which arose from mere misfortune, and a debt which originated in crime; that whatever a debtor could do to satisfy the lawful demand of his creditor, he was bound to do; that if he refused to do what he could—if, for instance, he would not come to be examined—that was an offence for which imprisonment would be most justly awarded, and awarded with the avowed object of compelling him to do what he ought to do. If on coming to be examined he refused to disclose his property, that was another offence of the same description, and he was well punished by imprisonment, because it was his fault, and not his misfortune, and a fault moreover, for which the creditor paid. If —his property being disclosed, either by his own admission or the information of others—he refused to give it up to his creditors, that was a third case for the punishment of imprisonment, because it was his fault and not his misfortune. So likewise if he secreted or made away with his property, or if by fraud he was found to have contracted a debt, or if any other tangible offence had been committed by him to the injury of his creditors, as by contracting debts which he knew he could have no means of paying, in such case he deserved to be imprisoned, because it was his crime and not his misfortune. In many cases he ought to be imprisoned where the imprisonment was not adopted as a compulsory mode of making him pay. In cases of gross fraud—of which, he grieved to say, there were many more of late than formerly, and many many more than we could desire—he would be well

punished by way of example to others, and in order to deter from the commission of the like offences. These were the principles which he had ventured to state in 1828 as fitted to govern and to limit the punishment of imprisonment for debt, and which had been acted upon by the learned Commissioners, and so far as arrest upon *mesne* process went, had been adopted also by the Legislature. In 1840 another Commission sat and produced a report which was of equal value with the former. Over that Commission his right hon. and learned Friend, Mr. Justice Erskine, presided, Mr. Commissioner Evans, of the Bankruptcy Court, being an active member, with Mr. Commissioner Holroyd and others. They, too, came to a clear and decided conclusion against the continuance of imprisonment for debt. Now he (Lord Brougham) was of opinion that in the case of a man who had contracted a debt at another's expense, which he could not or would not pay, in order to entitle him to claim relief, it was for the debtor to show that he could not, that his inability was not a voluntary one, that it was his misfortune, not his fault; that in short he did not come within the description which the learned Commissioners gave in behalf of their recommendation to do away with a law which they said had a "tendency to level the distinction between guilt and misfortune." These were the principles which he (Lord Brougham) ventured to say ought to govern the law of imprisonment for debt. If it appear that the principles which he laid down tended to limit imprisonment for debt, they ought not from a mistaken view of humanity to think only of one party—of the debtor—they ought to think as much at least of the creditor; for he was clearly of opinion that in limiting imprisonment for debt, they ought to see that not only the creditor did not suffer but gained by the change in the law. The creditor gained materially by the change of the law which, twenty years ago, put an end to arrest on *mesne* process, and enlarged the recourse of the creditor; and he (Lord Brougham) believed he would gain now if imprisonment for debt or in execution on judgment were judiciously abolished. If he were to show their Lordships in what way imprisonment for debt on execution operated, he should go far to prove the necessity, or at least the high expediency, of making this change in the law. He would take the case of the Insolvent Court, for instance. But, first, he would say a word as to a notion which many persons ran away with — namely, that the right of the creditor to arrest his debtor was as old as our laws—that it was an old common law right, and had been at all times, until a foolish humanity intervened, the law of the land. Than this nothing could be more contrary, as his noble and learned Friend knew, to the fact. No doubt the right was an ancient one, but certainly it did not belong to, or originate with the common law. Under the common law, there was no imprisonment for debt unless there was actual force; gradually, however, one exception after another arose. Still, in the times of the Plantagenets, the right to imprison was not universal; and, indeed, it was not until the reigns of Henry VII. and Henry VIII. that the law which made universal the right of the creditor to arrest the debtor was adopted. The relaxation of the law had been gradual, like its enforcements. The first instance of an Insolvent Act having been framed was about a century and a half ago—not in the time of the Plantagenets or the Tudors, but of the Stuarts and the Brunswicks. Under that Act a man might get out of prison, provided his debts did not exceed £100, but upon condition that he enlisted in the army. Then came the Lords' Act of a century ago, the first provision for compelling the surrender of the debtors' property, and awarding seven years' transportation for the refusal; and after that the more regular system of the Insolvent Debtors' Court was established. So much for the historical matter. As to the operation of the existing system, if he (Lord Brougham) showed their Lordships how imprisonment for debt usually operated, he thought he should make out a strong case in favour of an alteration of the law. He would take the Insolvent Court, and if their Lordships would agree to the Returns for which he was about to move, they would find that, during the year 1845, there were 3,905 persons who were imprisoned, and were petitioners to the Court for their discharge. All of them had been imprisoned, because imprisonment was required for about two months before the petition could be entertained. Of that number, how many did their Lordships think were discharged under the law, upon their own oaths, without any opposition or examination whatever? Why, 2,758, or considerably more than two-thirds—seven-tenths of the whole number; and that without any opposition, any interrogatory,

any examination whatever ; 786 were subsequently discharged, after some kind of opposition ; whilst 361 were ordered by the Court to be remanded by way of punishment, and only 199 paid any dividend. Thus, no less than 3,546 persons had been languishing in prison during a period of two months, not one tittle of ground being adduced in evidence to justify their being there a single hour. Now, when he spoke of two months, he begged to be understood ; for, in many cases, it happened that they were kept in prison after that time had elapsed, simply because of their inability to pay the expense of petitioning for and obtaining their discharge. What was wanted, then, was a more effectual examination, a thorough sifting examination of the debtor. That could not take place in the Insolvent Court, though he thought it could in the Bankruptcy Court, which was furnished with more efficient means for that purpose than were possessed by the Insolvent Court, and which had the important power of seizing the property before it could be made away with. The man who went into a shop and purchased £500 worth of goods, when he knew that he was not worth £5, or the man who lived extravagantly beyond his means for a number of years, was guilty of fraud, that was, of moral fraud, though not of legal fraud. That he was guilty of a moral fraud there was no doubt, but he ought to be treated as legally guilty of that offence. He (Lord Brougham) did not mean to say guilty to the extent of a misdemeanour for which he should be indicted, but certainly to the extent that would justify an authority to the Court of Bankruptcy to punish him. The only punishment which the Commissioner in Bankruptcy could now inflict was a suspension of the certificate, or to grant it of the third class instead of the first or second ; but, was the suspension of the certificate for six months a sufficient punishment ? The effect of a suspension of the certificate was, to leave the bankrupt to the mercies of the creditors ; and they having already incurred considerable expense in the Bankruptcy Court, were not likely to follow the matter up to a sufficient length for the sake of the public, when all the property being gone, they had no hopes of benefiting by the proceeding. The present law left to the creditors what should be the duty of the Court. He would give a power to the Commissioners to punish in such cases. But then it was said, "You would be punishing a man without trial by jury." He had the greatest reverence for trial by jury ; but had not the Insolvent Commissioners at present power to punish without trial by jury ? Had they not the power of imprisoning a fraudulent debtor even for three years ? If the Commissioners in Bankruptcy were invested with a similar power, they would no doubt feel it their duty to wield it for the interests of public justice. The Insolvent Court had power of punishment, with power of seizing property or preventing its concealment ; the Bankrupt Court had the power of seizure, but no power of punishment. Another improvement which he would suggest, and which was mentioned by the Lord Chief Justice himself, though he had not been able to form a decided opinion as to it, was to attach a public officer to the Bankruptcy Court, who would watch on behalf of the public the proceedings in the cases which came before that Court. In some foreign countries such an officer was attached to all courts, civil as well as criminal. In France the procureur general watched the interests of the public, even in civil cases. Now, he (Lord Brougham) would not carry the system to that length ; but he was in favour of extending it to the Bankruptcy Court. Certainly he thought the matter deserved attentive consideration. That something ought to be done for the relief of creditors, and changing the anomalous state of the law as regarded debtors, was quite certain. Now, as to the distinction between the trader debtor and the non-trader debtor, he did not think that this should be continued. There could be no difficulty in doing away with it, according to the Chief Justice's declared opinion. The distinction had been done away with in Scotland, and he thought it would be well to follow that course here ; for that there should be different tribunals for these two classes was what he held to be an anomaly in our jurisprudence. He should conclude his observations by moving for Returns of—

1. Number of Persons who petitioned the Insolvent Commissioners for Discharge during Five Years ending 31st of December, 1857 ; distinguishing the Years :

2. Number of Persons discharged without being opposed, for the same Years :

3. Number of Persons discharged after being opposed, for the same Years :

4. Number of Persons remanded by way of Punishment, for the same Years :

5. Number of Fiats in Bankruptcy, for the same Years :

6. Number of Certificates granted immediate, for the same Years :

7. Number of Certificates suspended, for the same Years :

8. Number of Refusals of Certificates, for the same Years.

THE LORD CHANCELLOR thought that their Lordships and the public should feel very much indebted to the noble and learned Lord for having brought under their consideration one of the most difficult social questions with which it was possible for them to have to deal. He said "one of the most difficult" because one of the noble and learned Lord's objects was to relieve debtors from the penalty of imprisonment for debt; but he was compelled to admit at the same time that the party to be primarily considered in these cases was not the debtor but the creditor. He (the Lord Chancellor) was continually receiving a vast number of complaints from debtors in respect to the hardship of the law of imprisonment for debt; but these were more than neutralized by the complaints by creditors of the facilities which the fraudulent debtor had of escaping from the consequences of his dishonesty. The difficulty, however, ought not to induce their Lordships to shrink from endeavouring to amend the law. The noble and learned Lord had pointed out the anomalous distinction between trader and non-trader debtor, who were dealt with by separate tribunals, as one cause of the existing evils. No doubt this separation was unnecessary, but he (the Lord Chancellor) did not think it was a cause of existing evils; but in spite of all he had heard to the contrary he (the Lord Chancellor) was not quite satisfied that they should deal with the insolvent trader and the insolvent non-trader on the same principle. The insolvent trader was a man who contracted debts from necessity; and, therefore, in many instances, became insolvent from unforeseen misfortunes in trade. Debt was a part of the business of a trader; he could not get on without it; but, in ninety-nine cases out of an hundred, that was not the case with the non-trader insolvent. It was not by any necessary risks that the insolvency of the non-trader was brought about, but by his reckless conduct and his spending the money of others. For that reason he could not think that the two classes of insolvents should be dealt with on the same principle; but there was no reason why the previous investigations might not be the same in both cases. He thought that the insolvent trader ought, as a general rule, to get a certificate as a sort of white-washing; but in the case of the insolvent non-trader, the certificate ought to be the exception and not the rule. He thought, therefore, that the difficulty which the subject undoubtedly presented would not be solved by the amalgamation of the Bankruptcy and Insolvent Courts. Then, as to imprisonment for debt, if they did away with that punishment, what security could they have that the debtor would disclose the amount of his property? That imprisonment was the only effectual screw they had to compel the debtor to discover what he had. They had at present many instances of debtors who, to avoid disclosing their property, crossed the Channel and lived abroad ; and they had other instances of debtors who remained in prison and declined availing themselves of the benefit of the Act, rather than make an honest disclosure of their assets. The latter fact showed that even the punishment of imprisonment was not in some instances strong enough to make men disclose their means of, in whole or in part, satisfying the just demands of their creditors. So far from opposing the returns moved for by his noble and learned Friend (Lord Brougham) he was most happy in acceding to it. In most of his noble and learned Friend's observations he entirely concurred, and if any efficient substitute for imprisonment for debt in the case of refusal to disclose property could be devised, it would meet with his (the Lord Chancellor's) best consideration ; for he would be very glad to see that imprisonment, which was at present almost at a *minimum*, entirely abolished.

LORD CAMPBELL regretted to find that his noble and learned Friend who had just spoken seemed to give the sanction of his high authority to the maintenance of that distinction between the insolvent trader and non-trader which now existed. He (Lord Campbell) for one hoped that that distinction would soon be banished from our legislation. The question in reality turned not so much upon the case of the trader and the non-trader as upon that of the honest and the fraudulent debtor. It was well known there were various shams by which a man made himself a trader—such as becoming a wine merchant or commission agent, or the like, and this was done in order to avail himself of the bankrupt laws. If a debtor were an honest man he gave up all his property,

and when his creditors had the full benefit of that he ought to be discharged—there could be no use in keeping him in prison; but if, upon the other hand, he was a fraudulent debtor, then he ought to be not only imprisoned, but punished; whether trader or non-trader, he ought to be entitled to liberation upon giving up all he had; and if he had contracted debts fraudulently, then undoubtedly he ought to be punished.

THE LORD CHANCELLOR explained, that the view of the question which he had taken with reference to the distinction to be drawn between the case of the trader and the non-trader coincided, to a great extent, with that to which his noble and learned Friend had just given expression in regard to the honest and the fraudulent debtor. He had contended for the maintenance of the distinction between the two, simply upon the ground that the debts of the trader were generally contracted legitimately in the conduct of his business, while those of the insolvent non-trader were almost always accompanied by the suspicion of reckless expenditure and fraudulent dealing.

LORD WENSLEYDALE did not feel at present in a position to offer an opinion on the subject of discussion, and would therefore reserve any observations which he might feel inclined to make until that subject came properly before the House. He should be most anxious to simplify the laws of bankruptcy and insolvency, and if possible to unite them, and would give his earnest consideration to the measure promised by his noble and learned Friend, with a view to relieve the honest and punish the fraudulent debtor.

Motion *agreed to.* Returns ordered to be laid before tbe House.

CALCUTTA PEPITION—THE CHINA TROOPS.—MOTION FOR PAPERS.

LORD WENSLEYDALE moved for the production of any despatch from the Viscount Canning referring to the petition presented by the inhabitants of Calcutta for his recall—a despatch which had, he believed, been laid before the House of Commons. Would the noble Earl also produce the Correspondence which had passed between Lord Canning and Lord Elgin respecting the diversion of the troops intended for China, but which were detained for service in India?

EARL GRANVILLE said he had not the least objection to the production of either of these papers. As to the Calcutta petition, he was anxious to state that it was the practice to receive no such document here unlesss despatched through the Governor of the colony or dependency, so that the person whose conduct was called in question might have an opportunity of accompanying it with any observations which he might deem necessary for his own vindication. On this ground, therefore, the memorial in question was returned to the petitioners. In the meanwhile, Lord Canning had obtained a copy of the petition (not, he believed, from the petitioners) and sent it to the Government at home, with a few remarks in reply placed opposite to each paragraph, but not of such an official character as to render their production necessary. However, this despatch had been moved for in the other House, and the Motion had been agreed to, and he had no objection to lay it on their Lordships' table.

Papers ordered to be laid before the House.

House adjourned at half-past Six o'clock, to Monday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Friday, February 12, 1858.

MINUTES.] PUBLIC BILLS, 1° Grand Juries (Ireland); Medical Charities (Ireland) Act Amendment.

THE LICENSING SYSTEM.—QUESTION.

MR. HARDY said, he would beg to ask the Secretary for the Home Department whether it is his intention to introduce any measure in the present Session to alter the system of Licensing Alehouses, Beerhouses, and other places of public resort, refreshment, and entertainment now in force, or for the better regulation of such houses and places?

SIR GEORGE GREY said, that since last Session he had given considerable attention to the subject, and had been in communication with many persons connected with the great interests involved in it, and with others, who had given great attention to it on the score of morality. He was not at present, however, prepared to lay on the table a Bill embodying all the amendments which he thought necessary to improve the law. He hoped, however, before the end of the Session, to be able to introduce a Bill for the general

regulation not only of public-houses but of other places of resort and entertainment, and, if possible, to combine with it an alteration in the present system of granting licences.

THE DIVORCE ACT.—QUESTION.

MR. LYGON said, he wished to ask the Attorney General Whether it is the intention of Her Majesty's Government to bring in a Bill to amend the Divorce Act of last Session in reference to the Affidavits, which, in the opinion of the Judge Ordinary, can only be made before the Court sitting in London; and whether it is the intention of Her Majesty's Government to bring in a Bill to extend the Law of Divorce to Ireland and those portions of Her Majesty's Dominions which are left unaffected by the Act of last year?

THE ATTORNEY GENERAL said, that in replying to the second question of the hon. Gentleman—first, he must state that certain measures were now under consideration relating to the Ecclesiastical Courts in Ireland, but they were not sufficiently matured to enable him to promise that they would be laid on the table during the present Session. As to the first question, there was probably a necessity for some further legislation with regard to Affidavits in the Divorce and Probate Courts, and that might be the subject of a substantive measure, but it certainly would not be proposed in the questionable shape of a Bill to amend the Divorce Act.

MORTALITY IN THE GUARDS

QUESTION.

CAPTAIN ANNESLEY said, he would beg to ask Whether the Government has received any Report from the Regiments of Foot Guards which proves that the mortality, instead of being 22 per 1,000, is little more than half that amount in those regiments.

SIR JOHN RAMSDEN said, the Report to which the hon. and gallant Member alluded had just been sent in to the War Office, but he had not yet had time to give it more than a cursory examination. It was drawn up in an entirely different form from the tables published by the Medical Commission, and, as far as he could judge, it was much more favourable than those tables. That might, perhaps, be accounted for in this way, that the calculations of the Commissioners were based upon the Returns for the fifteen years ending 1853, while the Report recently sent in only referred to the eighteen months ending the last month.

CORRUPT PRACTICES AT ELECTIONS.

QUESTION.

MR. H. BERKELEY said, he would beg to ask the First Lord of the Treasury Whether it is his intention to propose to submit the Corrupt Practices Prevention Act to the investigation of a Committee?

VISCOUNT PALMERSTON said, he would take an early opportunity of proposing to the House to appoint a Select Committee to inquire into the operation of that Act.

INCUMBERED ESTATES COURT.

QUESTION.

MR. BAGWELL said, he wished to ask the Attorney General for Ireland Whether he is prepared to state the course which the Government intended to take relative to the Incumbered Estates Court?

MR. J. D. FITZGERALD said, it was the intention of the Government to introduce very shortly a Bill to perpetuate the system under which the Incumbered Estates were disposed of in Ireland. There would be other provisions in the Bill to facilitate the transfer of land, and to extend the provisions of the existing law so as to include the sale of Unincumbered Estates. He had received the draught of the Bill from Ireland, and he hoped to be able to introduce it the week after next.

FOREIGN CONSPIRATORS IN ENGLAND.

QUESTION.

MR. WARREN said, he would beg to ask the First Lord of the Treasury, Whether Count Walewski having stated, in the second paragraph of his despatch to the British Government of the 20th day of January, 1858, that

"It was in England that Pianori formed the plan of striking the Emperor; it was from London that, in an affair the recollection of which is still recent, Mazzini, Ledru Rollin, and Campanella directed the assassins whom they had furnished with arms; it is there, also, that the authors of the last plot have leisurely prepared their means of action, have studied and constructed the instruments of destruction which they have employed, and it is from thence that they set out to carry their plans into execution."

And Count Walewski having also stated in the third paragraph of the same despatch that—

"The Government of the Emperor of the French is convinced that, with such proofs in their possession of the abuse of hospitality, the English Government and people understand at once to what extent the Government of the Emperor of the French is justified in directing its attention to them—"

any application has been made by the Go-

vernment of the Emperor of the French to Her Majesty's Government to prosecute the above-mentioned, or any other parties, in respect of such conspiracies; and whether any and what answer was returned; and whether any steps have been taken to ascertain whether any evidence can be obtained to support any such prosecution; and, in particular, whether the opinion of the Law Officers of the Crown has been taken on the subject, and whether there is any objection to lay it on the table of this House.

SIR GEORGE GREY: Sir, no direct, or formal request has been made by the French Government at any time for the prosecution of any persons in this country for the crime of conspiracy to commit offences of the nature referred to; but in the course of last year a copy of certain judicial proceedings which were taken at Paris against the parties mentioned by my hon. and learned Friend (Mr. Warren), was sent to Her Majesty's Government by the Ambassador in Paris. The papers were unaccompanied by any request that proceedings should be taken upon them; but no doubt they were presented in order that the attention of Her Majesty's Government might be called to the facts deposed to by the witnesses, and that they might consider whether the evidence was sufficient to induce them to do that which they had always said they would be ready to do, if evidence could be adduced on which persons could be placed on trial in this country, namely, to take immediate steps for their apprehension. Those proceedings so transmitted were taken into consideration, and the opinion which the Government arrived at was that there was not sufficient evidence in this country to justify them in arresting those persons and putting them on their trial on the charge of conspiracy to commit murder. That opinion was wholly irrespective of what might be the effect of the evidence taken in France—we had no such evidence here, and that opinion was forwarded to the French Government. With regard to the latter part of the question of my hon. and learned Friend, I consider it would be wrong in me to state what measures we may think it right to take in the event of persons being charged with that crime hereafter; but if we should be in possession of evidence which would justify the apprehension of any persons on a charge of conspiracy we should not hesitate in at once taking measures for bringing them to trial.

MR. WARREN said, he would beg further to ask whether Her Majesty's Government have evidence in their possession that any natural-born British subject of Her Majesty, or any person owing temporary allegiance to Her Majesty, was accessory before the fact to the murders committed in Paris on the 14th of January; and whether the opinion of the Law Officers of the Crown has been taken whether such British subjects are liable to be tried in this country under the statute of the 9th *George* IV., chap. 31, section 7?

SIR GEORGE GREY: A warrant has been issued against a person whom I believe to be a British subject in pursuance of the provisions of the 9th *George* IV., on the charge of being accessory before the fact to a murder alleged to have been committed in France. I should not be justified, however, I think, in giving the opinion of the Law Officers of the Crown upon the case.

CIVIL SERVICE SUPERANNUATION.

QUESTION.

SIR FITZROY KELLY said, he wished to ask the Chancellor of the Exchequer, Whether it is the intention of Her Majesty's Government, to propose to Parliament, during the present Session, any Bill for the settlement of the Civil Service Superannuation question?

THE CHANCELLOR OF THE EXCHEQUER said, he apprehended that the object of the Civil Service had been secured in the arrangements made last Session for an increase in their salaries by repealing the abatements formerly made under the Superannuation Act. There were, he believed, some other points that still required to be adjusted, but they had yet to be considered by the Government, and no Bill was prepared with respect to them.

THE DEFENCE OF LUCKNOW.

QUESTION.

COLONEL FRENCH said, he would beg to ask the First Lord of the Treasury if he will lay on the table of the House the Despatch of Sir James Outram detailing the operations at Lucknow between the 25th day of September, when Colonel Inglis was relieved by him and General Havelock, and the 22nd day of November, when Sir Colin Campbell forced his way through the Rebel Army to the Residency?

MR. VERNON SMITH said no official Despatch had yet been received at the

India House from Sir James Outram; when it was, it would be presented immediately to that House, as all former Despatches had been, and all future Despatches would continue to be.

PROFESSOR OF MILITARY SURGERY (EDINBURGH).—QUESTION.

MR. BLACK said, he wished to ask if a Professor had been appointed to the Chair of Military Surgery in the University of Edinburgh; and if such appointment had been made, if there was any reason for the class-room being closed for the last two sessions?

SIR JOHN RAMSDEN said, no appointment had been made. His noble Friend at the head of the War Department had intended to make the appointment, but it became known to him that the Medical Commission intended to recommend the discontinuance of these local professors, and he had, therefore, suspended the appointment.

MR. WILSON then moved that the House at its rising adjourn to Monday next.

LORD HOTHAM said, he wished to advert for a moment to the answer which the right hon. Gentleman the President of the Board of Control had given to the hon. and gallant Member for Roscommon (Colonel French). The right hon. Gentleman said no despatch had been received from Sir James Outram. But he (Lord Hotham) had a very confident impression, if not a positive conviction, that he had read that very despatch in a Calcutta newspaper; therefore he hoped the right hon. Gentleman would make some further inquiry upon the subject. He must also add, that there had been published in this country—he did not say the *London Gazette*—an order issued by the Governor General of India, in which he bestows commendations upon the officers of that force in consequence of their having been recommended in Sir James Outram's despatch. Now, the country was naturally anxious to see the despatch itself, for he hoped he might say, without any intention to disparage the Governor General—and certainly he would not join in the censures cast upon him the other night—that however gratifying it might be to the officers and soldiers concerned to be commended by such a high authority as the Governor General, still it would be more satisfactory to the friends and relatives of those gallant men, as well as to the public at large, to see the commendations bestowed upon them by their commander, who was an eye-witness of their valour. He would therefore beg to inquire why no official announcement has been made in this country of any despatch or Report from Major General Sir James Outram, detailing what had taken place between the time of his assuming the command in Lucknow and the arrival of General Sir Colin Campbell; and whether there is any objection to this, and any other Despatch or Report from Brigadier Inglis, being made public.

MR. VERNON SMITH said, he was much obliged to the noble Lord for thus pressing the subject upon his notice. It had, however, been forced upon his attention both by the question which the hon. and gallant Member (Colonel French) had put, and by the question the noble Lord had himself given notice of. He certainly was surprised that no Despatch had been received; but he had made strict inquiries, and neither at the Board of Control nor at the India House had any copy of the Despatch referred to been received. If it had appeared in the Calcutta papers there certainly must have been some omission in not having sent it home. But there was much to be said for them, owing to the extreme hurry and difficulties encountered in their duties there. He quite participated in the noble Lord's feelings, that it would be more gratifying to the friends and relatives of the officers and soldiers to see their names mentioned in the Despatch of a General so distinguished and so well able to appreciate valour as Sir James Outram, than it would be to be named even in the orders of the Governor General. It was his great care to supply every information as soon as possible, knowing the anxiety there was for the fullest information respecting India; but he thought the noble Lord would agree with him that it was not desirable to give non-official documents.

CASE OF MR. BANNATYNE—HUDSON'S BAY COMPANY.

QUESTION.

VISCOUNT BURY said, he rose pursuant to notice, to call the attention of the Secretary of State for the Colonies to a Report of a public meeting held at the Red River Settlement, in which it alleged that a British Subject has been imprisoned by the authorities of the Hudson's Bay Company on suspicion of having infringed the exclusive right of trade of the Com-

pany; and to inquire what instructions were given to the officer commanding a party of the Canadian Rifles, who are stated to have acted on the occasion in question under the directions of a chief Factor of the Company? He would accompany the question by a short statement of the facts as he believed they occurred. A gentleman of the name of Bannatyne, residing at the Red River, went for the purpose of trading some 300 miles above that settlement, where he was arrested by Major Wright, an officer of the Hudson's Bay Company, and imprisoned at a place called Norway House. Afterwards, when a party of Rifles were returning from York Fort to the Red River, he was sent with them to the settlement, where at length he was liberated. In putting his notice upon the paper, he (Viscount Bury) expressly reserved any opinion as to the conduct of the Hudson's Bay Company, or even of putting any question to the Government, having been informed of the anomalous position in which the country was placed by having members of the Company as the sole magistrates and judges. He was informed that Mr. Bannatyne had brought his case before the law courts of Canada, and there he (Viscount Bury) would be content to leave the question. The only question, therefore, he wished to put was as to the rights of the Company to take these proceedings, and by whose authority the right was exercised.

Mr. ROEBUCK said, he did not wish to interfere between the noble Lord and the right hon. Secretary for the Colonies; but he thought it best to put to the right hon. Gentleman the question he was about to ask once for all. He wished to know whether the Government were prepared to do anything with regard to the Hudson's Bay Company, in pursuance of the recommendation of the Committee which sat last year? He did not wish to enlarge upon the subject or its importance, but he believed that the right hon. Gentleman was duly impressed with its importance, and that the Government felt themselves bound to act upon the matter speedily.

Mr. LABOUCHERE said, with regard to the question of his noble Friend, he had received no account of the public meeting to which he had referred, and his (Mr. Labouchere's) whole information on the subject was very imperfect. As far as it went it was as follows:—The Gentleman in question, Mr. Bannatyne, was formerly a Factor in the Hudson's Bay Company's service, residing at the Red River Settlement. He went northwards from Red River with the avowed purpose of entering into a free trade with the Indians, and upon arriving at Norway House his progress was stopped by a Chief Factor of the Company, who told him that he was performing an unlawful act, and turned him back to the Red River. He (Mr. Labouchere) did not believe that any imprisonment had taken place. Mr. Bannatyne was merely prevented from going on. It was, however, asserted that he had been imprisoned, and it was alleged that the warrant under which he was arrested was irregular. It also happened that the canoe in which Mr. Bannatyne was sent down to the Red River became attached to a number of canoes in which a party of Rifles were returning to the settlement, and then a rumour went abroad that he was in custody of the Rifles; but this mistake arose out of a mere accident. In reply to the question of his noble Friend, whether the Rifles acted on the occasion under the direction of the Company's Chief Factor, he (Mr. Labouchere) could only say that the instructions given to the troops in that part of Her Majesty's dominions were precisely the same as those given to any other of the Queen's troops in the other parts of her dominions, and the Canadian Rifles, therefore, would have exceeded their duty if they had interfered in the way asserted. These circumstances, no doubt, produced great excitement in the settlement at the time; but it had now subsided. With regard to Mr. Bannatyne, it appeared that he was bringing an action against the Chief Factor; and probably the Hudson's Bay Company were bringing an action against him for infringing their privileges; but he had since adopted a different course. He had agreed to appeal to the Directors of the Hudson's Bay Company at home, relying on their fairness and justice, and to abide the result of this appeal before taking further proceedings. He (Mr. Labouchere) believed that the Company had desired their Governor General to visit the Red River Settlement and inquire into all the circumstances, and he hoped an amicable result would follow. With respect to the more important question that had been put by the hon. and learned Member for Sheffield, he could beg to assure him that he felt with him that this was not the occasion to go at any length into the im-

portant subject of the Hudson's Bay Company and of the British interests which were connected with that body. Her Majesty's Government considered and maturely deliberated upon the important steps that had been recommended by the select Committee, and had taken measures in conformity with their report. It had been his duty to give notice to the Hudson's Bay Company that the Government had determined to form Vancouver's Island into a distinct colony, and to sever all connection between it and the Hudson's Bay Company. At the same time he must state that Her Majesty's Government were disposed to renew the licence of exclusive trading in the remainder of their territory, but to attach to that renewal certain conditions. Whether the right to found any new colonies would be retained by the Company, or retained only subject to a right of withdrawal by the Government if they should think fit, was another consideration. With regard to the boundary between Canada and Prince Rupert's land, Her Majesty's Government had expressed their willingness to come to some arrangement with the Company by referring the question to the Judicial Committee of the Privy Council. A right would, in fact, be reserved to Her Majesty's Government to enter into any arrangement with the Company with regard to questions of charter or boundary that was necessary, or that the colony of Canada might require. If, however, the hon. and learned Gentleman thought proper to move for the papers connected with this subject, he would find in them an explanation of all the details of the measures about to be taken by the Government.

WILL OF NAPOLEON I.—LEGACY TO CANTILLON.

QUESTION.

MR. STIRLING*: I rise, Sir, to ask the noble Lord the First Lord of the Treasury the question of which I have given notice. The importance of the question will, I hope, justify me, who do not often intrude on the time of the House, in stating the reasons why I ask it, and the grounds upon which it is founded. In a despatch, dated 20th January, 1858, of the French Minister of Foreign Affairs (Count Walewski) to the French Ambassador, I find these words—

"But, Monsieur le Comte, how widely different is the attitude of the skilful demagogues established in England! It is no longer the hostility of erring parties manifesting itself by all the excesses of the press and every violence of language; it is no longer even the labour of the factious seeking to agitate opinion and to provoke disorder; it is assassination elevated to a doctrine, preached openly, practised in repeated attempts, the most recent of which has struck Europe with amazement."

When I read these words I involuntarily turned to the back of the despatch to see whether a despatch containing those words had been laid by Her Majesty's Government on the table of this House without a single word of answer by the Minister, whose duty it was to reply to it. I read on, and I found that this charge—that "assassination was elevated to a doctrine, and openly preached" in England — formed part of the foundation for a demand that a change should be made in the existing law—a law to which it has never even been pretended that any appeal was ever made in vain, and to which we now know for certain, from a reply just made by the Home Secretary, that no appeal has ever been made in vain. Sir, I have lived a good many years in the world; I have lived much in London; I have mixed with persons of nearly all classes of society, men of various countries and all shades of political opinion; and I most solemnly assert that I have never seen or heard the crime of assassination mentioned in this country without those expressions of reprobation which a crime so abominable deserves. Now, Sir, when we know that there is in the history of the dynasty and family, upon whose behalf we are addressed in language such as I have quoted, a fact not generally discredited or even doubted, which preaches, in very unmistakeable language, not only the doctrine but the practice of assassination, I think that I am fully entitled, as a Member of this House, to ask whether that fact rests upon stronger or weaker evidence than the charge now brought by the minister of the French Emperor against the country, of whose honour and reputation it behoves us here assembled to be so watchful and so jealous?

I will now, Sir, bring before the House the historical facts connected with the circumstance to which I have alluded. ["Oh, oh!"] I am in the hands of the House, and I beg their indulgence. In the year 1819, the Duke of Wellington was in Paris, employed in the service of his country. About midnight, between the 10th and 11th of February, as his carriage was turning into the gateway of his hotel, he was fired at from the street. Two men,

Cantillon and Marinet were shorly afterwards arrested, and subsequently brought to trial in May of the same year. It was proved at the trial—nay, it was admitted by the counsel for the defence, that there had been a plot to assassinate the Duke of Wellington. The counsel for the defence, however, made a strong appeal to the jury, that to find Frenchmen guilty of assassination would be to dishonour the French name, and the prisoners were almost immediately acquitted.

Sir, in that celebrated will executed by the first Napoleon at St. Helena in 1821 I find the following clause, the fifth clause of the fourth codicil :—

"Item 10,000f. to the sub-officer Cantillon, who has undergone a prosecution as accused of having assassinated Lord Wellington, of which he has been declared innocent. Cantillon had as much right to assassinate this oligarch as he had to send me to perish on the rock of St. Helena. Wellington, who proposed this outrage, sought to justify it by the interest of Great Britain. Cantillon, if he had actually assassinated this Lord, would have sheltered himself, and would have been justified by the same motives—the interest of France in ridding herself of a general who had, moreover, violated the capitulation of Paris, and thereby become responsible for the blood of the martyrs, Ney, Labédoyère, &c., and for the crime of having plundered the museums, contrary to the text of treaties."

And further on I find, after the thirteenth clause :—

"This present codicil is entirely written with our own hand, signed and sealed with our arms.

"NAPOLEON."

Here, Sir, is the doctrine of assassination preached by a man whose memory is still revered in France, and preached in strong and emphatic words — words which no French or Italian exile can fail, when it may suit his purpose, to apply to his own particular case. It has been said, I know, that Napoleon, when he made that unfortunate bequest, was afflicted with a nervous irritability, which almost amounted to insanity ; in fact, I have heard it said, upon good authority, that for some months before his death he suffered under the delusion that he was in danger of assassination by some private agent of the Duke of Wellington; and I can conceive it possible that, in the ruin of that master mind, there might linger somewhat of the old Vendetta spirit of his native isle. I will no longer disturb his ashes. What I want to know is, whether this mischievous doctrine has been endorsed by the successor to his fortunes? I will state as succinctly as I can all the circumstances with which I am acquainted which bear upon that point. After the event known in this country generally by the name of the *coup-d'état*, the Emperor naturally desired to fulfil some of the provisions of the will of his uncle. He did not, however, fulfil all of them, for I believe that the total sum of the bequests left amounted to upwards of 200,000,000 francs, while the sum devoted to payment amounted to but 8,000,000 francs. Now, all the documents referring to the whole affair appeared in the *Moniteur* between the 14th of August, 1853, and the 6th of May, 1855, and they consist of reports of commissions, reports of Ministers, and of imperial decrees ; in fact, of documents which denote a carefully revised course of action. Sir, I have studied those documents with great care, to see if I could arrive at any decided opinion on the subject, but I have been unable to do so. Had it been otherwise—had I arrived at any decided conclusion—I should have felt it my duty to take some opportunity—and I foresee many opportunities—of stating my conviction to the House one way or another. One fact, and one fact only, however, is certain, and that is—that to Cantillon the wages of assassination were paid in full. I find in the *Moniteur* of August the 14th, 1853, that it is stated that none of the legatees, except some servants, of whom Cantillon was certainly not one, had been paid in full. But in the report of the 6th of May, 1855, the name of Cantillon appears as the 32nd in the list of legatees, and at that time he is stated to have been the only person paid in full, and to have received the sum of 354 francs as interest. I, Sir, am quite unable to reconcile those two statements, and must leave them to be reconciled by those who possess fuller information than the *Moniteur* affords. The question which now remains to be asked is, under what particular circumstances did it happen that that reward was paid to Cantillon—a reward for attempting to destroy by assassination the most eminent English life of the nineteenth century? When was that legacy paid? Was it paid long ago, near the time when Napoleon was buried at St. Helena, or was it paid at a later date, near the time when we laid our own great chief in St. Paul's? Above all things, by whom was it paid? God forbid that I should assert that the Emperor of the French, whom his admirers love to call the saviour of order and society, has done this thing, has so far dishonoured France, and outraged our com-

mon humanity. But, unfortunately, the ugly fact, that such an outrage was, by some person and at some time committed, remains; and the evidence of the fact remains in the *Moniteur*. Now, Sir, when the Emperor of the French, through his Minister, and through the noble Lord, speaks to the House of Commons, and tells us that "in England assassination is elevated to a doctrine and openly preached," I think that I have a right, as a representative of a British constituency, to ask who it was who preached that remarkable sermon in favour of the doctrine and practice of assassination in the official columns of the authorized organ of his own absolute Government? If he be clear of offence, let us, from some channel or other, have a full and final contradiction to the charge. I now respectfully appeal to the noble Lord at the head of Her Majesty's Government, and ask him if it be true, or if he will obtain authentic information as to the fact, that the legacy to Cantillon has recently been paid by the Emperor of the French?

VISCOUNT PALMERSTON: I think, Sir, that the hon. Gentleman would have shown more good taste, and I think he would have displayed more a spirit of candour and justice, if, instead of appearing, in the statement which he has made, to assume what was the answer to the question which he was about to ask, he had contented himself with simply asking how the fact of the matter really stood. The hon. Gentleman implied, during the whole course of his observations—[MR. STIRLING: I implied nothing.] I beg the hon. Gentleman's pardon; the only inference to be drawn from what fell from him was that we were to assume, until the contrary was stated, that the legacy left to Cantillon by the will of Napoleon I. had been paid under the sanction and by the authority of the present Emperor of the French. Now, Sir, that assumption is absolutely false. There is not the slightest foundation for it. And I think it was the duty of the hon. Member opposite, or of any other hon. Gentleman who entertained a doubt upon a matter, the bearing of which was of so peculiar and delicate a nature in regard to international relations, to have taken the trouble—which he might have done privately—to ascertain how the facts stood before he brought it in so offensive a manner before the House. I will tell the hon. Member and the House what are the facts of the case. It is true, as has been stated, that there was a legacy left by the will of Napoleon I. to this man, upon the grounds mentioned by the hon. Gentleman. The executors of that will were General Bertrand and General Montholon. Between the years 1823 and 1826 those executors deemed it to be their duty, upon application made by Cantillon, to issue to him certain sums on account of that legacy. But the Government of the day had no participation whatever in that issue. It is quite unnecessary for me to remind the House that the Sovereign then upon the Throne, a member of the elder branch of the Bourbons, who owed the Throne, on which he sat, to the victories gained by the Duke of Wellington, could not for a moment have been cognizant and approving of such a legacy, or of the motive under which it was bequeathed. Nevertheless, the executors deemed themselves bound, as a matter of duty, between the years 1823 and 1826 to make the issues on account. When the present Emperor came to the Throne there were portions of the will still unexecuted, and he appointed a commission to carry out its conditions entirely. That, I think, was in 1854. To those Commissioners the widow of Cantillon applied for the balance which she contended was due to her, amounting to about 1,200 f. What did the Commissioners do? They refused to make the issue, alleging that in their opinion the testator must have been labouring under mental aberration when he made such a bequest, and that they did not think it any part of their duty to give effect to it. This act on the part of the Commissioners was a spontaneous one, done on their own responsibility, just as the act of the executors had been; and neither in the one case nor in the other had the Executive Government anything whatever to do with the matter. In point of fact, then, the advance was made between the years 1823 and 1826, during the reign of the elder branch of the Bourbons; while the refusal to issue the remainder has taken place since the accession of the present Sovereign.

MR. STIRLING: I rise, Sir, to explain. [*Cries of* "Order!"] I am in the hands of the House. The noble Lord has made an accusation against me in performing a public duty, which I endeavoured to do as temperately as possible. I understood the noble Lord to state that certain advances were made.

MR. SPEAKER: The hon. Gentleman is not entitled to address the House a second time.

MR. STIRLING: Then, Sir, all I have to say is, that the noble Lord has thought fit to cast—

MR. SPEAKER: If the hon. Member has been misunderstood, or has any explanation to make as regards what he stated, no doubt the House will grant him its attention.

MR. STIRLING: Sir, the explanation I have to give is this:—If I caught the noble Lord's meaning aright, he seems to have understood me to imply that the Emperor Louis Napoleon was guilty of paying this sum to this would-be assassin. I beg to state that I distinctly said, early in my speech, that I was quite unable to form any conclusion at all on that subject. I appeal to the House whether I did not say so; and it was certainly in consequence of the doubt I felt on the point that I wished to put my question. No one could be more gratified than I am at the noble Lord's statement.

LORD ELCHO: I wish to ask my noble Friend at the head of the Government, whether any reply has yet been made to the despatch of Count Walewski, and if so, whether Her Majesty's Government will be prepared to lay it on the table?

MR. BOWYER: It will be in the recollection of the House that the hon. and learned Member for Sheffield (Mr. Roebuck) the other evening asserted positively that the legacy to Cantillon had been paid by the present Emperor of the French. On my doubting the accuracy of that statement, the hon. and learned Gentleman turned round upon me in a very sharp manner.

MR. SPEAKER: It is not competent for the hon. Member to refer to matters which passed in a former debate.

MR. BOWYER: I simply beg to ask the hon. and learned Member for Sheffield what is his authority for making the statement to which I have alluded? I am sure the House must have heard with great satisfaction the facts stated by the noble Lord at the head of the Government in answer to a question of a most injudicious nature.

MR. ROEBUCK was understood to say, that as the hon. and learned Gentleman was out of order in putting his question, of course he could not expect any answer to it.

THE WAR IN CHINA.—QUESTION.

LORD JOHN RUSSELL: As hostilities are now going on in China, I think it would not be improper that the House of Commons should be made acquainted with the grounds on which those hostilities are proceeding. It is understood that Lord Elgin had certain terms to propose to the Government of China, and that hostilities would be commenced if they were not conceded. I beg, therefore, to inquire of the First Lord of the Treasury, whether he has any objection to lay before the House the instructions given to Lord Elgin on his departure for China, and the terms which were offered and rejected at Canton previously to the late bombardment.

SIR CHARLES WOOD: It is quite contrary to rule to produce these instructions at present. As soon, however, as we have received the reply made by the Chinese Authorities to the demand of our Plenipotentiary, the whole of these papers will be laid on the table.

LORD JOHN MANNERS: Has no answer been received to the *ultimatum* of our Plenipotentiary?

VISCOUNT PALMERSTON: We have received from Lord Elgin a copy of the communication which he made to Yeh. Lord Elgin had received Yeh's answer; but there was not time to translate the whole of it before the mail left. We have, however, received its substance.

Motion *agreed to;* House at its rising to adjourn till *Monday* next.

REFORM OF THE CORPORATION OF LONDON BILL.

SECOND READING.

Order for Second Reading read.

LORD JOHN RUSSELL said, he wished to know whether the Government had any objection to referring the measure to a Select Committee?

SIR GEORGE GREY said, he believed that there was no opposition to the second reading of the Bill. After it had passed that stage, he proposed to refer it to a Select Committee. As the measure was a public one, it would have to be committed in the whole House after it came up from the Select Committee.

Bill read 2°; and *ordered* to be referred to a Select Committee.

GOVERNMENT OF INDIA.

LEAVE.

VISCOUNT PALMERSTON: I rise, Sir, in pursuance of the notice which has been given by Her Majesty's Government,

to ask leave to introduce a Bill of first-rate importance. I rise to ask leave to introduce a Bill for transferring from the East India Company to the Crown the government of Her Majesty's East Indian dominions. In making that proposal I feel myself bound, in the first place, to say that I do not do it in any spirit of hostility to the East India Company, or as meaning thereby to imply any blame or censure upon the administration of India under that corporation. I believe the East India Company has done many good things in India. I believe that its administration has been attended with great advantage to the population under its rule. And it is not on the ground of any delinquency on the part of the Company, but on the ground of the inconvenience and injurious character of the existing arrangements, that I propose this measure to the House. It is perhaps one of the most extraordinary facts in the history of mankind that these British Islands should have acquired such an extensive dominion in a remote part of the globe as that which we exercise over the continent of India. It is indeed remarkable that those regions, in which science and art may be said to have first dawned upon mankind, should now be subject to the rule of a people inhabiting islands which at a time, when these eastern regions enjoyed as high a civilization and as great prosperity as that age could offer, were in a state of utter barbarism. That is a remarkable circumstance; but still more remarkable is it that these extensive dominions should have been gained not by the power of a nation as a nation, but by an association of individuals, by a mercantile community, supported, indeed, to a certain degree by the power and resources of their country, but mainly indebted for success to their own energy and enterprise. These two circumstances are undoubtedly singular in the history of the world, but it is quite as remarkable, quite as singular, that a nation like this, in which the science of government is perhaps better understood than in any other, in which the principle of popular representation has so long been established, should have deliberately consigned to the care of a small body of commercial men the management of such extensive territories, such vast interests, and such numerous populations. One could easily imagine that a wilderness in the northern part of America, where nothing lives except fur-bearing animals and a few wild Indians but little removed from the lower creation, might be confined to a company whose chief functions should be to strip the running animals of their fur, and to keep the bipeds sober; but that a great country like this should deliberately consign to the management of a mere commercial company, of a set of irresponsible individuals, a great territory, occupied by different races, professing diverse religions and should place in their hands the determination of all the questions of peace and war and of international relations with independent princes, which must necessarily arise, is, I believe, a circumstance unexampled in the history of mankind. But this country never designedly did any such thing. The existing state of things grew up gradually from a very small beginning. The original settlers began with a factory, the factory grew into a fort, the fort expanded to a district, and the district to a province, and then came collisions with less civilized neighbours, injuries to be resented, attacks to be repelled, and conflicts which always ended in victory and extension of territory. So, gradually, from one transaction to another, grew up that state of things in which the East India Company found itself invested with vast commercial privileges and with most important political functions. This state of things continued up to the year 1784, when there was an infusion of responsibility in respect of its political administrative functions into the affairs of the Company by the establishment of the Board of Control. Matters went on under this new arrangement for a number of years, during which the Company continued, subject to a slight interference from the Board of Control, to discharge its political functions, and at the same time to exercise all its commercial rights. One would have imagined that in a country like this that first step would have been followed up; that before anything else was done the reflective British nation would have pursued the course inaugurated in 1784, and that, as the effect of the measure then adopted was to limit to a certain degree the political functions of the Company, the next step would have been to take them away altogether, and to leave the Company in its original position as a trading association. However, it happens that in this country commercial matters often attract more attention and excite deeper interest than political affairs, and the next step was, not to meddle further with the political functions of the Company, but to take away

all the commercial privileges which originally constituted the foundation of its existence. Accordingly, in the year 1833 the Company altogether ceased to be a commercial association, and became, one may say, but a phantom of its original body. It lost the commercial character for which it was originally founded, and continued to be merely a political instrument, by means of which the administration of India was carried on. Now, Sir, I venture to think that the arrangement so made was a most inconvenient and most cumbrous arrangement. The principle of our political system is that all administrative functions should be accompanied by Ministerial responsibility — responsibility to Parliament, responsibility to public opinion, responsibility to the Crown; but in this case the chief functions in the government of India are committed to a body not responsible to Parliament, not appointed by the Crown, but elected by persons who have no more connection with India than consists in the simple possession of so much India Stock. I think that that of itself is a most objectionable arrangement. In this country we are slow to make changes. The indisposition to make changes is wise and useful. As a general principle it is wise, and nations do themselves great mischief by rapid and ill-considered alterations of their institutions. But equally unwise and equally injurious is it to cling to existing arrangements simply because they exist, and not to admit changes which can be made with advantage to the nation. What can be more cumbrous than the existing system of Indian administration which is called by the name of the "double Government"? In the debates of 1853, when the last India Bill was passed, the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) asked who was the Government of India, and to whom he was to look as the authority responsible for the administration of that vast empire. Why, Sir, there is no responsibility, or rather there is a conflict of responsibility. The Directors possess a power paramount, as the right hon. Gentleman said, to everything else, the power of recalling the Governor General, by which any great system of policy may be at once interrupted. And they have this power, although the Governor General must have been appointed by the Crown, and the appointment sanctioned by the Directors. The functions of Government and the responsibility have been divided between the Directors, the Board of Control, and the Governor General in India; the Board of Control representing the Government of the day, responsible to this House, responsible to public opinion, appointed by the Crown, and exercising functions delegated by it; the Court of Directors, elected by the gentlemen and ladies who happen to be holders of India Stock, many of whom are totally ignorant of everything relating to Indian interests, and perhaps knowing nothing about Calcutta, Bombay, or Madras, except what they learn from the candidates for the directorship as to the presidency to which the cadetship is to belong which is promised in return for their votes. The Directors are undoubtedly, in general, men of great experience and knowledge of India, but they are elected by a body of persons who have no peculiar faculty for choosing persons qualified to govern a great empire in the East. Then comes the Governor General, invested with great, separate, and independent powers, and among these three authorities it is obvious that despatch and unity of purpose can hardly by possibility exist. I won't trouble the House by going into a detailed explanation of the method in which business is done, because it is very well known to those hon. Members, who have given their attention to Indian affairs, that before a despatch upon the most important matter can go out to India it has to oscillate between Cannon Row and the India House; that it is proposed by one party, altered by the other, altered again by the first, and sent back to the other; and that the adventures of a despatch between these two extreme points of the metropolis are often as curious as those *Adventures of a Guinea* of which we have all read. It is obvious that this system of check and counter-check must be attended with great inconvenience to the public service, and be productive of great delay. Take, for example, a body of twenty gentlemen generally agreeing in their views, and make ten of them sit at the east end of the town and the other ten in Westminster. Propose to them any question of average difficulty and importance, and the probability is that the two parties will come to different conclusions, not being able to exchange opinions and arguments and to arrive at a common result. So it is with the Board of Control and the Court of Directors. The result in cases of mate-

rial difference must necessarily be a middle term, satisfying the opinions of neither, carrying into effect the principle of neither, unsatisfactory therefore to both, and probably less advantageous to the public service than the opinion of either would have been had it been entirely adopted. Therefore, I say that this system of check and counter-check may be carried too far. There is no doubt that certain checks are requisite in every political machine; but you may multiply your checks and counter-checks to such an extent that the functions of the machine, which are intended only to be controlled, are paralyzed for every useful purpose. Then what, let me ask, is the position in which Her Majesty's Government stand in this House? When Indian questions are discussed, it is the constant habit of those who take part in the debate, criticizing and impugning what has been done, to hold Her Majesty's Government responsible for everything that occurs. But Her Majesty's Government cannot be fairly answerable for things over which they have not a perfect control, and which they cannot entirely direct. It frequently happens, indeed, that the Government of the day are made responsible for acts which were done without their consent, and probably in some cases much to their dissatisfaction. Take, for instance, a matter which has occupied the attention of the House, and which is to form part of the inquiries of the Committee which has been recently chosen — the hiring of vessels to carry troops to India. I will venture to say that a majority of hon. Gentlemen here imagine that the Government is the authority by which those arrangements are made. Not in the least. The East India Company is chargeable with the expense of transporting troops to India; it is the Company which takes up the ships, and not the Government; and, though the opinion of the Government must naturally have weight with the Company, these arrangements are not made by the officers of the Government, but by the officers of the East India Company itself. I say, then, it is most desirable that this complicated machine should be simplified and reduced in fact and form to that which it is imagined to be, but which it practically is not. I may be asked why we take this moment for proposing a change of system. The inconveniences of different systems of administration are forced upon the attention of the Government and the country from time to time by peculiar emergencies. Thus the arrangements of the military departments had existed in time of peace, but, though many felt that the division of the Ordnance into separate departments and the distinction between the War Office and the office of the Secretary of State for War were inconvenient, it was not until the war in the Crimea made the Government more directly sensible of the disadvantages of that complicated system that we altered the arrangements, and it was by means of the alterations carried out during the Crimean war that the consolidation was effected, by means of which we were enabled to carry on the struggle with Russia with far greater promptitude, vigour, and success, than we should have been able to do if the old system had been continued. I say, then, that as far as regards the executive functions of the Indian Government at home, it is of the greatest importance to vest complete authority where the public have a right to think that complete responsibility should rest, and that whereas in this country there can be but one governing body responsible to the Crown, to Parliament, and to public opinion, consisting of the constitutional advisers of the Crown for the time being, so it is in accordance with the principles and practice of our constitution, as it would be in accordance with the best interests of the nation, that India, with all its vast and important interests, should be placed under the direct authority of the Crown, to be governed in the name of the Crown by the responsible Ministers of the Crown sitting in Parliament, and responsible to Parliament and the public for every part of their public conduct, instead of being, as now, mainly administered by a set of gentlemen who, however respectable, however competent for the discharge of the functions entrusted to them, are yet a totally irresponsible body, whose views and acts are seldom known to the public, and whether known or unknown, whether approved or disapproved, unless one of the Directors happens to have a seat in this House, are out of the range of Parliamentary discussion. Again, as regards our interests in India, I may state at once that the Bill which I am about to propose to the House is confined entirely and solely to a change in the administrative organization at home, and that we do not intend to make any alteration in the existing arrangements in India. In fact, if Parliament were to adopt the measure which we

are about to propose, the only difference, as far as India is concerned, would be, that the next despatch would go out signed by the President and the Council for Indian affairs, instead of by the Court of Directors, and that the reply would be addressed to the President of the new Board, instead of to the Chairman of the body sitting in Leadenhall Street. Now, I believe there can be no doubt that, so far as the impression on the minds of the people of India is concerned, the name of the Sovereign of a great empire like this must be far more respected, far more calculated to produce moral and political impressions, than the name of a Company of merchants, however respectable and able they may be. We have to deal, in that country, with Princes, some ruling independently and some in a state of modified dependence upon us, and with feudal chiefs proud of their position, cherishing traditionary recollections of a wide empire, and of great Sovereigns to whom their ancestors owed allegiance. How can we expect such men to feel any great respect for a mere Company of merchants? The respect they feel, the allegiance they yield, would be increased tenfold if the one were given and the other tendered to the Sovereign of a great and mighty empire. I believe, in fact, that what gives force to the Company in India is not the fame or authority of the Company itself, but the knowledge which the people have that behind the Company, and strengthening it, is the power of the British empire, and that, although the ruler may be an officer of a commercial association in name, the real power which they have to look up to is the power of the Sovereign of this great country. I am, therefore, satisfied that the transfer of the government of India to the Crown would, as far as its effect upon the people of India is concerned, be equivalent to a large reinforcement of troops; that the impression which would be produced would be most advantageous, and would tend to consolidate and strengthen the moral and political influence of England in these vast regions of the world. What, then, is the arrangement which we are about to propose? We wish to alter things as little as we can consistently with the great object which we have in view. That object is to make the responsible advisers of the Crown answerable for the government of India as well as for that of all other possessions of the Crown beyond seas. We wish that the affairs of India should be administered by Ministers responsible to Parliament for the manner in which that country is governed. We propose, therefore, that the functions of the Court of Directors, and, of course, of the Court of Proprietors, shall cease; that there shall be substituted for those bodies a President, assisted by a Council for the Affairs of India; that that President, of course, shall be a member of the Government, and shall be the organ of the Cabinet with reference to all matters relating to India; but, as men who have distinguished themselves in public life in this country, and who are likely from time to time, as changes of Administration occur, to be placed at the head of that department, cannot be supposed to possess that detailed local knowledge which is essential to the wise government of the country, we propose that the President shall be assisted by a Council composed of persons named by the Crown, with the condition that they shall either have been Directors of the East India Company, have served for a certain period in India either in a civil or military capacity, or have resided there a certain number of years unconnected with the local administration. We propose that that Council shall consist of eight members, that the members shall be appointed for eight years, and that two shall retire by rotation every second year, in order that successive Administrations may have the means of renewing the Council from time to time by the introduction of persons returning from India with fresh knowledge and ideas. We think that while, on the one hand, the permanency of a Councillor for eight years will make him an independent adviser of the President, he will not, on the other, by being appointed for life, block up the way to the accession of other persons who may from time to time appear more capable of serving the country. Of course, as the proposal is to transfer to the Government of the day full responsibility for the management of Indian affairs, and as the President will be the organ of the Cabinet upon Indian matters, just as the Secretary of State for the Colonies and the Secretary of State for Foreign Affairs are the organs of the Government in regard to the departments under their respective care, the decision of the President must be final in all matters which may be treated of in the Council. But, nevertheless, we propose that, if the Councillors differ in opinion from the President, they shall have the right to record that difference, together with their reasons, upon the

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Minutes of the Council, so as to be able to justify themselves afterwards for the advice they have given. The full power of the President, however, will not extend to matters involving increased expense to the Indian revenue; and, for purposes of that sort, it will be necessary that he shall have the concurrence of four Councillors to any proposals which he may have to submit. In the temporary absence of the President a Secretary of State will be able to act for him, and four members of the Council will be a quorum for the transaction of business. We propose that the Council shall have the power of distributing among themselves the business which comes to them, so as to allot different departments of business to different members of Council, who will, of course, make reports to the Council itself. We propose that the President shall be placed on the footing of a Secretary of State, and that the Councillors shall have a salary of £1,000 a year each. We propose that all powers now vested in the Court of Directors shall be transferred to this Council, and, therefore, that all appointments which have hitherto been made by the Court of Directors or by other parties subject to the approbation of the Crown, shall be made by the Crown direct. but that all appointments in India which have hitherto been made by the local authorities shall continue to be made by those authorities; so that no part of the local Indian patronage will be transferred to the Government of this country. We propose that the President shall be able to appoint one Secretary, who shall be capable of sitting in this House. It will be convenient that a Cabinet Minister holding that situation shall have the assistance of a Secretary conversant with the business which may come under discussion; but we do not propose that the Councillors shall be capable of sitting in Parliament. We think there would be great inconvenience in such an arrangement; that they would become party men; that they would necessarily associate with one side or the other in this House, and that, with changes of Administration, the relations between the President and the Councillors might then become exceedingly embarrassing. One point which has always attracted the attention of those who have considered these matters, and which has created even a very considerable constitutional difficulty, in any attempt to decide what would be the best system of Government for India, has been the question of patronage. Many men have said that they think the "double Government" a cumbrous and antiquated machine, which ought to be done away with. That was the opinion in 1853 of a great number of those hon. Members who took part in the discussion, but it was always said, "How can we manage with the patronage? We do not wish to increase the patronage of the Government, and we fear that this transfer of power would greatly augment the patronage of the Home Government." Now, I have already said with regard to local appointments, all these appointments which have hitherto been made either by the Governor General or by other authorities in India, will continue exactly as before to be made by them, the members of the local Council being named by the Governor General instead of being named hence. An arrangement was made in 1853 by which all appointments to writerships were given up to open competition. That arrangement we shall of course maintain. Writerships, therefore, are beyond the range of patronage. The appointments to cadetships have hitherto been divided between members of the Court of Directors and the President of the Board of Control. What we propose is to leave the appointments to those cadetships as they have been hitherto. The reduction from the number of Directors to the number of Councillors will give somewhat more patronage to the Councillors, but the addition to the patronage of the President will be hardly perceptible. It must be remembered that hitherto we have had an enormous Native army, and it does not seem probable that, for the future, we shall keep up that force at the same strength. As regards the civil appointments, they will remain matters of public competition, and as regards appointments to cadetships, they will be made, as I have stated, with, probably, the additional condition that the cadets shall be appointed to probation in some military College, their final appointments to regiments depending on the efficiency of their studies. There is one condition which we propose to attach to this distribution of cadetships—viz., that a certain proportion of first appointments, which we cannot fix in a Bill, but which must be left to the discretion of the Council from time to time, shall be reserved for the sons of civil and military officers who have served in India. According to that arrangement it will be seen that no addition of patronage will devolve upon the Execu-

tive Government of an amount which need excite the least constitutional jealousy on the part of the House of Commons. The army in India will consist, as heretofore, of Queen's troops, forming part of the regular army of this country, and local corps enlisted and confined to service in India. With regard to Queen's troops no change will be made. With regard to the others, they will be transferred to the Crown from the service of the Company, subject to the same conditions of service as those under which they were enlisted, and if they dislike that change I think in common justice, they will be entitled to their discharge. It is proposed, with regard to local military services, that the troops shall be paid out of the revenues of India, and that their services shall be limited to Asia so long as they are paid out of the Indian revenue. At present, I believe, the range of service for the Company's troops is co-extensive with the limits of the Company's charter, as far as any place eastward of the Cape. It is proposed that, if at any time a part of the local army shall be employed out of Asia, the troops shall then not be paid out of the Indian revenue. It will be left for this House to determine whether a force so employed shall be paid out of the revenue of this country, and whether their employment is consonant with what the interests of India may be. This will be a sufficient check against the employment of the Indian troops without the consent of Parliament. It is proposed that, whereas we transfer to this President of the Council the functions of the Court of Directors, and Board of Control, both of which will be abolished, the functions and powers of the secret Committee, which govern matters, involving great discretion and temporary secrecy, should be vested in the President, as representative of the responsible Minister of the Crown. But we propose that, in any case in which orders shall be sent to India involving the immediate commencement of hostilities, communications thereof shall be made to Parliament within one month, if Parliament be then sitting, or within one month after Parliament shall next meet. That interval will allow a sufficient time to elapse to prevent injury to the public service from the too early publication of orders so issued; while it will, at the same time, give Parliament an early opportunity of calling upon the Government for explanation of the causes which had led to such orders. Of course, it will be necessary that there should be an effective audit of the revenues of India and their application. It is required by this Bill that the revenue shall be applied solely for the purpose of government in India. It is proposed that an auditor shall be appointed, with the power of appointing assistant auditors, for the purpose of examining minutely the accounts of receipts and expenditure of Indian revenue, and that the accounts, when audited, shall be laid before Parliament for its consideration. Of course, power will be given to the President of the Council to issue to the Company such sums as may be necessary to defray the expenditure required for paying their dividends and keeping their books, until the Company determine whether they will or will not avail themselves of the option given them of being paid in a certain time for their stock. This then, Sir, is, generally speaking, the outline of our measure. Of course, the details will come under the consideration of the House, if it should, as I trust it will, give us leave to bring in the Bill; and when the Bill shall be in the hands of hon. Members, they will then have to consider the details, such as I have described, as well as some other points, to which I have not thought it necessary to advert. But the question now to be considered is simply the great and large question, whether or not we shall transfer to the executive and responsible Ministers of the Crown the direction of the affairs of our Indian territories, or whether that direction shall be left, as heretofore, under the cumbrous and complicated system described as the "double government," which, in my opinion, is full of embarrassment, and not calculated to accomplish the purposes good government ought to have in view, and which, though continued heretofore, because no great events have called on Parliament to reconsider it, ought, I think, to be abolished without further delay. Now, I do not think I shall be met by any objections to this principle itself, because, when I recollect what has passed on former occasions in this House, and when I know what is the general opinion of the country on the point, I cannot persuade myself that we shall meet with any strong opposition to the general principle on which the measure is founded. When I look back to what passed in 1853, I find some of the leading Members of this House expressed strong opinions that the time must come, at no distant period, when an entire change

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ought to be made, and that the introduction of Government nominees into the East India Direction was only the first step to further and ulterior measures; and the only doubt was, whether a full measure ought not at that time to be adopted. But, whatever may have been the opinion of Parliament at that time, I am much mistaken as to the signs and indications of opinion in the country now if the nation at large has not made up its mind that this "double Government" ought to cease. I am convinced that this is the opinion of the country; and great disappointment would be felt if this House should negative the Bill upon an objection to the principle itself on which it is founded. We shall, no doubt, be met by a Motion for delay, and be told that this is not the time for discussing the measure; that India is unsettled; that we should wait until a better moment, a calmer period, and until the difficulties in India are over. Why, that plea for delay is invariably the plea set up by those who are anxious to oppose that which they cannot resist directly, but which they wish to get rid of by the intermediate policy of proposing delay. Why, Sir, what is the force of any argument of that kind? They say, "Do not alter the machine of Government at a time when India is unsettled and in difficulty, when you have not full and finally got rid of the mutiny, and when you have not entirely re-established authority in every part of the country." What does that argument amount to when it is analyzed? It is said, "Do not change your Government now, because there is in India that to be done which is difficult to be accomplished, and which, therefore, it might require great power to accomplish." Will, then, any man pretend that a single Government at home will not be a much more effectual instrument for the purpose than a double Government? Will any man pretend to tell me, that with a view to rapidity of discussion and execution, unity of purpose, and responsibility to the public, a Government administered by the responsible advisers of the Crown would not be a far more efficient instrument for everything to be done here than the existing conflict of checks and counter-checks, the system of previous communications and subsequent communications, of objections to a despatch and its transfer by cabs from one part of the town to another, by which delay was created, so that a despatch, which ought to go out to-morrow, might not go out for a month, or be ready until it was too late to send it out. Why, no reasonable man will venture to get up and tell the House that the present machine can be so effective and so powerful a machine for administration at home as the machine we propose to substitute for it. Will any man acquainted with India tell me that the name of the Company—which is now pretty well seen through by all the Natives in India—can have half, or the tenth part of the powerful influence the name of the Crown would carry with it? I declare it is nonsense to say that the Indian chiefs would not feel ten times more respect for the Rajah of England than for the name of any unknown Company. Well, then, I say, if we look to England, the machine we propose to substitute is a much more powerful machine, and if we look to India it is a machine infinitely more influential than the existing one. Then we are told that there is a state of difficulty in India, and what is the proposal of those who want delay? They say, that in order to overcome this difficulty, and to restore tranquillity in India, which we are told is a matter of great difficulty, and which will require great strength and power to effect, we should prolong the existence of the present weak instrument, instead of substituting for it a stronger, more powerful, and more effectual machine. In that argument there is no sense, I submit. However, we shall be told by some that the Government of India is a great mystery—that the unholy ought not to set foot in that temple—that the House of Commons should be kept aloof from any interference in Indian affairs—that if we transfer the Government to the Ministers responsible to Parliament, we shall have Indian affairs made the subject and plaything of party passions in this House, and that great mischief would arise therefrom. I think that argument is fonnded on an overlooking of the fundamental principles of the British constitution. It is a reflection on the Parliamentary government. Why, Sir, what is there in the management of India which is not mainly dependent on those general principles of statesmanship, which men in public life in this country acquire here, and make the guidance of their conduct. I do not think so ill of this House as to imagine that it would be disposed, for factious purposes, or for the momentary triumph of party, to trifle with the great interests of the country as con-

nected with the administration of our Indian affairs. I am accustomed to think that the Parliament of this country does comprise in itself as much administrative ability, and as much statesmanlike knowledge and science as are possessed by any number of men in any other country whatever; and I own, with all respect for the Court of Directors, that I cannot bring myself to think that the Parliament of England is less capable of wisely administering the great affairs of State in connection with India than the Court of Directors in Leadenhall Street. I am not afraid to trust Parliament with an insight into Indian affairs. I believe, on the contrary, that if things have not gone on so fast in India as they might have done — if the progress of improvement has been somewhat slower than might have been expected, that effect has arisen from the circumstance that the public of England at large were wholly ignorant of Indian affairs, and had turned away from them, being daunted by the complications they imagined them to be involved in; and because Parliament has never had face to face, in this and the other House, men personally and entirely responsible for the administration of Indian affairs. No doubt a good deal has been done in the way of substantial improvement of late years, but that which has been done I may venture to say has been entirely the result of debates in this and the other House of Parliament. And, so far from any discussion on India having worked evil in India, I believe that the greater part of those improvements which the East India Directors boast of in that publication, which has lately issued from Leadenhall Street, has been the result of pressure on the Indian administration by debates in Parliament and discussions in the public press. Therefore, so far from being alarmed at the consequences which may arise from bringing Indian affairs under the cognizance of Parliament, I believe that a great benefit to India, and through India to the British nation, will result therefrom. Therefore, I say, I see no reason, either on the score of principle or on the score of the augmentation of patronage, or on the score of time, or constitutional danger, why we should not at once pass the measure which it will be my duty to present to the House. Sir, I trust that Parliament will feel that great power is not given to nations without corresponding duties to be performed. We have, by an almost miraculous train of events, been intrusted with the care of the destinies of 150 or 160 millions of men — with the government, directly or indirectly, of a vast empire larger in extent than the whole face of Europe, putting the Russian empire out of the question. That is a task which involves great responsibility. Do not imagine that it is the intention of Providence that England should possess that vast empire, and that we should have in our hand the destinies of that vast multitude of men, simply that we may send out to India the sons of gentlemen or of the middling classes to make a decent fortune to live on. That power has been entrusted to us for other and better purposes; and, without pointing to anything particular, I think it is the duty of this nation to use it in such a manner as to promote, as far as they can, the instruction, the enlightenment, and the civilization of those great populations which are now subject to our rule. We have lately had our attention called to scenes of barbarity in India, which would make any man shudder, but we are wholly irresponsible for those scenes? If, during the century for which we have exercised power in India, we had used that power to enlighten and civilize the people, do you think their nature would not, in some measure at least, have been changed, and that the atrocious crimes which they have committed would not have been as repugnant to their feelings as they are to those of the people of this country? We ought to bear these things in mind— to remember that we have a great duty to fulfil in India, and I am sure that that duty will be best discharged if we commit its performance to the hands of men who will be accountable to Parliament for their conduct, and who feel themselves bound to acquaint the public of this country, step by step, with the arrangements which they make. I am confident, if Parliament should adopt the measure we are about to propose, that while on the one hand it will add to the strength of our position in India, while it will increase the power of this country, and render our influence more firm and secure, it will, on the other hand, enable us more efficiently to perform those important duties which, in my view, it was intended that we should discharge when the great Indian empire was transferred to our control. Sir, I beg to move for leave to bring in a Bill for the better Government of India.

Motion made, and Question proposed,

Viscount Palmerston

"That leave be given to bring in a Bill for the better Government of India."

MR. T. BARING: The hesitation and reluctance with which I always address this House would be much increased by the sense of my incompetency adequately to perform the duty which I have undertaken did I not feel that the importance of the subject, by its overwhelming magnitude, far outweighs all personal considerations. The noble Lord has given utterance to a sentiment which I believe will meet with the full concurrence of all parties in this House, namely, that the great object of the Government and of the House ought to be to promote the welfare of our Indian fellow-subjects. In that opinion I, for one, fully concur, and it is because I believe the precipitation with which he is about to change the Government of India will not conduce to the welfare of a large class of our fellow-subjects in that empire, that I venture to move the Amendment which I have placed upon the table. It is unnecessary for me to follow the noble Lord through his description of the progress of the Government of the East India Company. I need not enter into any discussion as to the merits of the elective body—the Proprietors of the Company, or as to the mode in which cadetships have been distributed; but I must say in passing, that I think if the noble Lord had perused with care the evidence given before the Committee of 1853, he would not have charged canvassing candidates with an attempt to obtain seats in the Direction by the Promise of appointments. These are, however, matters of minor importance, and the great question now before the House is, not whether the existing Government of India is the very best that could be adopted—not whether you could change the Proprietary with advantage to the governing body—not whether you should hereafter have any change in your system of Indian Government; but it is simply and solely whether the present is the proper time for proposing such a legislative measure as the noble Lord now desires to submit to our consideration. The noble Lord says—"We make no change in the government in India;" but can any one maintain that any change in the system of home government, and especially so great a change as the noble Lord proposes, would not effect a material change in the Government of India? I will not trouble the House with extracts from reports to which every one has access, and which have been read by many of those whom I am addressing; but I may remind the House that, under the present system of Home Government, supreme power is vested in the President of the Board of Control, certain checks being placed in the hands of the Court of Directors, a body composed of eighteen persons, twelve of whom are elected by an independent constituency. Whether that constituency be good or not is another question; but no one will tell me you are not changing the Government of India when, instead of subjecting official despatches to the approval of a body of men, two-thirds of whom are independent, you transfer such revision or supervision to a body of eight men who are entirely dependent upon and appointed by the Crown. The noble Lord knows very well that this initiative—as it is called—of the East India Directors, subject to the correction and approval of the President of the Board of Control, forms the instructions upon which the Government of India act. I do not mean to say that cases may not occur, and have not often occurred, in which the Governor General of India, or the Governors of the Presidencies must act upon their own responsibility, without reference to instructions from home; but there is no doubt that if a Governor General, or the Governor of a Presidency, disobeys the directions emanating from a body, two-thirds of which are independent of the Government, he does so upon his own responsibility. I ask, then, whether it is no change in the Government of India to withdraw from a body the greater portion of whom are independent of the Crown the power of recalling the Governor General? Again, is there no change in the Government of India when, as the noble Lord says, all members of the Governor General's council are hereafter to be appointed by the Governor General himself, and the members of council in the different Presidencies are to be appointed by the Governors of those Presidencies? According to the existing system, while the Governor General is in reality appointed by the Crown, the members of the council are appointed by the Court of Directors. The change may be a proper one, but you should not endeavour to make the country believe that the assumption of this power by Her Majesty's Ministers will not change the Government of India. I think that no one who considers the plan of the noble Lord can deny that, whether it may

work for good or for evil, it would effect a great change in the Government of India, not merely in the Home Department, but in India itself. This may be right, but that question must come under our consideration hereafter, if the noble Lord obtains leave to bring in his Bill. I beg to ask, however, whether this is the time for effecting such a change? The noble Lord has referred to a very cumbrous machine, in which he did not think it necessary to make any change until, as he says, a great exigency arose. The noble Lord had no complaint to make of the Government of the East India Company, until in a great and recent exigency some deficiencies were found in the operations of the Indian Government. Will the noble Lord state what those deficiencies were? Will Her Majesty's Government state whether they have been impeded in any of their measures by the Government of the East India Company? The noble Lord says that the use of the Queen's name in India would be equivalent to a large reinforcement of troops; but can he show that such an opinion has been given by a man like Sir Colin Campbell? Has he the authority of Lord Canning for stating that the use of Her Majesty's name would be most effective in restoring order and tranquillity in India? Will Her Majesty's Government state that they have the authority of any one of their officials, or of any body of men in India, in support of the plan proposed by the noble Lord? No, the only authority the noble Lord had to rely on is the petition from Calcutta, and I think he has exercised a wise discretion in not making use of that document. The noble Lord says that his Bill would effect no change in the Indian Government, or that if any change were made it would be very beneficial. Now, is the noble Lord sure—are the Government sure, from their knowledge of India, which may be more considerable than is possessed by the Directors of the Company—that in the present state of affairs the proposed change would not be regarded with great apprehension by the people of India? It has always been said that the Hindoos attach greater importance to names than to realities. If you change the name of the Government at a time like this will it not be supposed that you do it with a purpose? What apprehensions may not be raised in the minds of the Hindoos when the speech of the noble Lord is transmitted, as it will be, to India; a speech in which he tells them that we have a duty to perform which has not hitherto been performed efficiently or satisfactorily—the advancement of education and civilization, and the removal of all the obstructions which stand in the way of their improvement. When that speech arrives in India will not the Hindoos say that there is some object to be attained by the alteration of the name of the Government at this particular moment? Will they not apprehend that along with the change of name there is to be a change of policy also, that they are no longer to enjoy that toleration of their religious opinions, and that forbearance to their peculiar customs which have hitherto been conceded to them by the Government. Is this the time to hazard such a change? You have a mutiny not yet terminated. It is generally believed, though I trust it is not the case, that the Government have a great task before them before that mutiny is thoroughly put down; and it is certain that when you have put it down a still greater task remains behind—the task of conciliation. A gap has been created between the two races, and it will be a long and difficult work to restore the mutual attachment and reliance which have hitherto existed between them. You have to restore the confidence of the Europeans, and you have to teach the Natives that, though they are subdued, they are not to be crushed. Have you any information which will guide you as to the steps which are necessary for the work of conciliation when this mutiny is over? Have you any information as to the feelings of the Hindoo population at this moment? The House at large has none, and though Her Majesty's Government no doubt have every possible information which can be obtained at this moment, I followed the noble Lord in vain to discover what he believed to be necessary to this end. I could gather only that he thought the Queen's name would be a great reinforcement to our military strength, and that the change in the Government would convince the Hindoo population that we were about to be more active in the process of instructing and civilizing them. These were the two circumstances which the noble Lord chiefly relied on in support of his Bill. But in my opinion this measure, instead of promoting peace, may bring about bad feelings and distrust, and may create a doubt as to what your future course of policy is to be. For my own part, I avow myself totally ignorant at this moment of the measures which it will be

necessary to adopt to bring India to its former state of tranquillity, and I believe that ignorance is very general. Hardly do I come across any man who does not say, "Where can I learn something about India?—where can I inform myself as to the state of the country, the feelings of the people and the best form of Government?" My own doubt as to the time chosen for this change is very much increased by what has fallen from the noble Lord. He has no charge to bring against the Government of India. He does not ground his Bill on any impediment which the Court of Directors have thrown in the way of measures which he wished to adopt, or on any mismanagement by the present Government. He does not make out any case of necessity arising from the special circumstances of the time, nor does he profess himself dissatisfied with the conduct of the East India Company since the Act of 1853, or with the working of that Bill, but he simply says the present Government is a cumbrous machine which it is high time to get rid of. He expected that there might be some difference of opinion as to the time, but to the principle of the Bill he does not see why there should be any opposition,—and as he said that he looked over to this side of the House. But when he talked of opposition as to principles, he ought to have looked towards the right hon. Gentleman by his side, who brought in and carried the Bill of 1853. What, I ask, then, has occurred since to change their opinions? I heard last night, with some surprise, a speech made by a Minister of the Crown, who was a Member of the Earl of Aberdeen's Cabinet also, as to the opinions of that Cabinet on the government of India. He stated, in very eloquent language, not only his objections to the present system, but that the Government of the Earl of Aberdeen had considered and discussed the project of transferring the administrative power from the Company to the Crown, and that circumstances had prevented its adoption. What those circumstances were I did not gather. He further stated that it was the opinion of the Government then that the result of the measure which they proposed must, sooner or later, be the extinction of the Company's powers. If the Government of that day did act with the intention of proposing, five years later, a complete transfer to the Crown of the powers which they then continued to the Company, they acted under a mask, and they did not deal fairly with Parliament. They, however, went further than that. My right hon. Friend opposite (Sir Charles Wood), the then President of the Board of Control—in whose candour and integrity I have the highest confidence—in introducing the measure dilated upon the advantages of the checks secured by the double Government. He stated that he did not propose to fetter the hands of Parliament for any period whatever, but to leave us perfectly free to make whatever changes experience might show to be necessary, though at the same time he saw no reason for any such changes, nor why the government of India should not continue to be carried on under "this cumbrous machine," the double Government. If the Government did intend, five years afterwards, to make this change from the double Government—with its checks in many respects so advantageous, to the single power of the Crown—with a Council of eight nominated by the Government, and to hand over the functions of the Secret Committee to the President of the Board of Control, with the power of keeping a war secret from Parliament for a month, I should have said, "Do it at once, while India is in a state of tranquillity." And certainly, if such was their intention, it was as great a weakness in them to refrain from carrying it into effect as it is madness in them to make the attempt now, when it ought to be our duty to direct all our energies to the restoration of tranquillity. I now come to the Committees of 1852–53. On those Committees were Members of the Earl of Aberdeen's Cabinet in both Houses. On the Committee of this House sat the President of the Board of Control, the First Lord of the Admiralty, and the Secretary of State for the Colonies. That Committee reported against any change in the Government; nor did any one of those right hon. Gentlemen suggest that the present Government of India was such a cumbrous machine, that when a time of emergency occurred it would break down. What has since changed their opinions? Will the President of the Board of Control tell us in what respect he has found the double Government disadvantageous to the public service in the present crisis? The only case we have heard of yet is the transport of troops to India. That subject has been referred to a Select Committee, and from the report of that Committee we

shall learn who is responsible. But he will no doubt state to the House what are the cases in which his energies have been cramped, or his beneficent plans frustrated. The right hon. Gentleman the First Lord of the Admiralty, when he brought in his Bill, reviewed the circumstances that had occurred since the introduction of the measure of 1833, and pointed out the progress which had been made in every respect since that time in India. Perhaps he will state what has been the progress since 1853. If he do not, perhaps the right hon. Gentleman the President of the Board of Control will do it, and it will be seen that the improvements which have been introduced have more than realized the expectations of the then President of the Board of Control. I do not think that the right hon. Gentleman the Secretary for the Colonies when a member of the Commission, in 1853, made any proposition for the transfer of the Government of India directly to the Crown; but he was well acquainted with the history of our Colonies, and he stated a short time ago, at a dinner of persons connected with the Australian interest, that we had found out that we could only govern our Colonies by not attempting to govern them at all, and by letting them alone. That was a wise and judicious sentiment; it is the consummation of a proper union between the mother country and a colony. Will he say that of India? Will he say that India can govern herself; or, looking at the history of the Crown influence in the Colonies, will he say that it has been so happily and successfully administered before legislation in the Colonies was introduced that he would now support a transfer of all the power in them, without check and control, except Parliamentary control, to a Secretary of State and a Council of nominees? He may have found out that the history of our Colonies would justify the change proposed in the Government of India; but so far as I have been able superficially to trace the history of colonial government, I find it, in some instances, the record of a dominant class, and of a trampled and trodden-out race—I find it the history of favouritism and jobbery—I find it the history of misgovernment and loss of colonies—and, so long as the union with the Government lasted, I find it the history of increasing discontent on the part of the colonists, and a history of increasing debt on the part of the mother country. Yet, that is what the noble Lord now proposes to force upon us in substitution of the double Government in India. I say that this is not the moment, having reference either to the re-establishment of our power in India, to the promotion of improvements, or to the state of public feeling, for making the substitution which the noble Lord proposes. It may be said that all these abuses are remedied now, that no party feeling enters into your appointments, that there are no political connections looked to, that there is no nominee or class interest, that the right man in the Colonies is always in the right place. That may be so; but I ask the House to compare, even in that respect, the appointments in India with those which have been made in the Colonies, and I venture to say that they need not fear the comparison so far as the employment of merit and the exclusion of incompetence afford a test. I remember that Viscount Hardinge said before the Committee, "We never know anything in India of a man's party or political opinions. I employed a distinguished officer for a long time on my staff who had been employed by the Earl of Ellenborough and others before him, and it was only at table accidentally that I discovered that he approached very much to what is called in England a great radical." Happy country, where the politics of a man are not known, and merit alone is the path to promotion. I am afraid that that happiness will not long continue under the new system. Once more I wish to impress upon the House my opinion that the change of name which is now proposed will be considered to be not without a meaning and influence in India. It will be regarded by the Natives as a change of the principles upon which, until now, they have always been governed. It is impossible, I think, to look at the discussions which have taken place and not to see that in England there is a growing wish to interfere with the religious feelings and habits, and, perhaps, prejudices of the Natives. I hope that I shall not be understood to wish to place any impediment in the way of the propagation of Christianity in India. I hope and believe that it will make its progress by its own merits, if not so rapidly, at all events more surely; but it is by conversion, and not by force applied or sanctioned by the Government, that I wish to see Christianity promoted. I fear, however, that the speeches which have been made in this country, the tone of our press, and the allusions which have

been made even by some Members of the Government will convey,—since as was remarked by the Duke of Argyll in another place, every word printed here about India is studied by thousands in that country—the impression that the change in the name of the Government is not to be made without an object. Now, I have here a statement of what has been done in India since the measure of 1853. I find,

"1. The education of the Natives undertaken on the largest scale, by a great extension of the schools and colleges supported by Government; the foundation of three universities; and the introduction of grants in aid to private (including missionary) schools.

"2. The police, the most peccant part of the existing system, fairly grappled with. Great improvements effected in Bombay, and new systems ordered or sanctioned in Bengal, Agra, and Madras, calculated to effect an entire revolution.

"3. The reform of the revenue (ryotwar) system of the Madras territory actively commenced on the principles which have been tried with the most eminent success (see the Memorandum) in Bombay and Cuttack.

"4. A code of civil and criminal procedure, the best in the world, actually made by the Commissioners in London, and now in progress through the Legislative Council of India. The Penal Code (Macaulay's) with the latest improvements also in progress through the Council.

"5. Remarriage of widows legalized. The forfeiture of civil rights by change of religion abrogated.

"6. No new great public work commenced in those four years, because those already in progress absorbed all the funds available. But the great canals, anicuts (or river embankments), and roads mentioned in the Memorandum have been carried on with redoubled vigour till stopped by recent circumstances; and, in the meantime, the minor works, both roads and works of irrigation, which have been constructed, or preparatory measures taken during this short period, in nearly every part of India, partly from the funds of the general treasury, partly from local funds, may be said to be countless."

I do not say that no new improvements might with propriety be adopted; but when the noble Lord talks of delay being a great injury, I say that it will not put an end to the progress of improvement there. I did not catch from the noble Lord when he intended that this measure should be carried into operation, but I presume he means immediately that it becomes law. In another place one of the members of the Government stated that the great objection to the system was that it was an anomaly; but it appears to me, as Mr. Mill so ably stated in his evidence before the House of Lords, that it is not the double Government which is the real anomaly, but the possession of India by this country. Why, in every Government you may find anomalies—there are anomalies in despotic Governments, where one man sways the destinies of millions; and there are anomalies in democracies, where every man shares in the Government; but the real anomaly here is that you have a Government and a state of things unexampled. You have possession of an empire acquired and retained without having any similar event to act upon since the Roman empire was in the zenith of her glory; you have nothing to guide you, no precedent, no example. That being so, the noble Lord states that what you require is the influence of public opinion and Parliamentary control. No doubt, there are no better securities for good Government, as Mr. Mill says, than national representation and the free exercise of public opinion. But national representation you cannot have at present in India, and the only influence of public opinion which you can have must be in England. Can you say, however, that this opinion is so enlightened and instructed in regard to the affairs of India, that the Government of India ought to be influenced by that opinion? We have every day instances of the impossibility of one country to form a correct judgment of the state or requirements of another country. We all know how impossible it is, for instance, for the English to form a correct judgment of the French nation, and also for the French to judge rightly of the English nation. How, then, is it possible that the public opinion of England, uninstructed and unenlightened about the different habits, religion, and principles of an alien race living 10,000 miles distant from this country, should have a beneficial action on the government of that race? The evils arising from a misunderstanding of our views, by the people of India, cannot be greater than those that would arise from our inability to understand what is necessary for the good government of that country. The action of public opinion upon our Legislature has not always secured contentment to our Colonies, and the danger from its false action will not be greater to India than to England herself. It is admitted that the American colonies were lost in consequence of that pressure of public opinion upon the Legislature of this country which is now proposed as a panacea for all the evils which exist in India. Indeed, I believe that it would have been a blessing to England if our Colonies had been at all times governed by

a council of intelligent and independent men, such as that by which India has been hitherto governed. That council, direction, monopoly, double government, or call it what you may, knew what were the interests of India, and was able and willing to place a barrier between the exactions of party in this House and the true interests of the Indian people. I believe that it would have been a blessing to England if our Colonies had had a system of double government that would have checked the rashness, enlightened the ignorance, and tempered the obstinacy of the Colonial Government. The Council proposed by the noble Lord will, no doubt, be formed of intelligent men; but you cannot call it an independent Council. It would be a fiction to state that a Council nominated by the Crown was an independent Council. I know not whether it is intended to insert in the Bill the names of the first eight gentlemen who are to constitute the Council; but the insertion, in Mr. Fox's Bill, of those who were to be the first Directors of the East India Company, was at least a semblance of deference to the judgment of the Legislature. We are not in possession of the information requisite to enable us to say what is the change that ought to be applied to the Government of India. It is premature to think of putting down the Indian Government before you have put down the Indian mutiny. Matters in India are in a state of transition, and no one can tell whether our rule will be strengthened or weakened by the contest now going on in that country. I implore the House, therefore, not to adopt the proposition of the noble Lord, before it knows what is the state of things in India, and what are the real wants of the Indian people. My right hon. relative the Member for Portsmouth (Sir F. Baring) stated, on a previous occasion, that the East India Company would shortly become a matter of history. If it be really the decree of this House, and the will of the nation, that that chapter of our East Indian history should be closed, the record, thank God, will still be open, and no Englishman, now or hereafter, will read that chapter without an honest feeling of national pride. It, no doubt, contains much to be deplored, and faults to be criticised; but the impartial reader will most probably perceive that the greater part of the evil therein recorded should be attributed rather to the habits of the age than to the system of East Indian Government. He will read in that chapter records of unexampled success, energy, enterprise, and British perseverance. He will find therein related the steps by which British merchants became the possessors of a great empire. That chapter teems with records of deeds of heroism, gallantry, patriotism, and self-sacrifice which should for ever be an honour to the British soldier, and a glory to the very name of Englishman. It contains the lives of statesmen and administrators who, for intelligence, comprehensive views, and purity of intention, are unsurpassed by those of any other nation. It tells of men who, while they spent their lives in promoting the interests of England, had never lost sight of the welfare of India. Above all, it relates the history of a Government which did not destroy the population of the territory which it acquired, but won their respect and gratitude. God grant that the continuation of that history may present as bright or brighter pages! but may it not have to record that, at a moment of great trouble, the English Minister of the day to the difficulties of an unextinguished mutiny added the uncertainties of a change of government; let it not record that an English Parliament, guided by a public opinion which was ignorant of Indian affairs, imperilled an empire by its rash legislation; and, above all, let it not record that, by an act of this House, the fairest dominion of the Queen was converted into the shuttlecock of party.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words, "it is not at present expedient to legislate for the Government of India," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Sir ERSKINE PERRY said, that having at that moment upon the paper a notice of Motion involving exactly the same objects as those embraced by the Bill of the noble Lord, he could not concur in the reasons just advanced by the hon. Member for Huntingdon (Mr. T. Baring) against the introduction of that Bill. He felt the difficulty of following that hon. Gentleman, because there was no man in the House more able than he to give a powerful expression of his opinions; but on the present occasion he was much disappointed with the arguments he had advanced for the postponement of legislation. The Amendment had reference merely to the time at which this measure was proposed, but the

whole of the hon. Gentleman's speech was directed against its principle. From beginning to end he eulogized the East India Company and the existing double Government. He had said that there was no authority to which the noble Lord could refer as affirming that the present was a fitting opportunity for legislating on Indian affairs; but no longer ago than yesterday, one of the highest authorities on India,—namely, the Earl of Ellenborough—had, with characteristic frankness, admitted that to substitute the Queen's name for the Company, and to establish an independent Council, would be pregnant with advantages. But this was the whole principle of the present Bill. So far from the present being an unfitting time, it was the very fittest that could have been selected. He (Sir E. Perry) indeed regretted that such a Bill as the present was not adopted in 1853, when the question of Indian government underwent a lengthy discussion in that House. It appeared that there were at that time divisions in the Cabinet, and it was consequently determined not to give the *coup de grace* to the Court of Directors at once, but to pave the way for the extinction of the Company at some future period. However, now that a rebellion had broken out in the country, and it was necessary to strengthen the hands of the Government in every possible way, the moment was most opportune for passing a measure which would enlarge and consolidate the power of the Executive. It was only in great emergencies that the time of Parliament and the attention of the country could be directed to Indian questions. The right hon. Member for Bucks (Mr. Disraeli) was so well aware of this fact that up to the breaking out of the Indian mutiny he had never taken a part in Indian discussions. That right hon. Gentleman, with his knowledge of Parliamentary habits and tastes, would not take up a subject that was *caviare* to the multitude. The third argument in favour of immediate legislation was that all the letters, publications, and newspapers coming from India clearly anticipated that some great change was about to take place. Under these circumstances the East India Company's Government had ceased to obtain that credit and respect from the inhabitants of India which it had long enjoyed. He remembered a curious book published many years ago, under the title of Parliamentary Logic, by Mr. Hamilton, once Chancellor of the Exchequer in Ireland, who, giving the results of forty years' experience in the English House of Commons, adduced as an illustration of Parliamentary tactics that where a measure was good, and the arguments in its favour were sound, its opponents must allege that the time was not suitable for its consideration. What were the objections to the present measure? It was said that a certain prestige attached to the name of the Company, and that if the Queen's name were substituted for it a fear and apprehension of change would come over the minds of the people of India, who were eminently conservative and averse to innovation. On the other hand, it was said that the mutineers would find matter for triumph in such a change; and they would be enabled to say, "we have achieved a great triumph; we have changed the form of government." The two arguments seemed to him to answer each other. Whether the mutineers might or might not like the change was to him a matter of entire indifference. If the Government became stronger by the alteration and better able to put them down, so much the better; and such a result would be a strong argument in its favour. The House ought then to proceed at once to the consideration of the measure now before it. The mere fact of such a proposal having been made by a Government, which had been long enough in office to know the working of the present machinery of the Government of India, was in itself a complete condemnation of the system, and tended to impair the efficacy of the existing mode of government for all future times. If inquiry were commenced and reform postponed, the power of the home Government would meanwhile be greatly impaired, and the little consideration which the East India Government now obtained from the English public would be immensely diminished. Every argument, in short, which he had heard convinced him that the present was the time of all others at which the House should proceed to a calm, dispassionate, and deliberate examination of the whole matter. If the noble Lord had brought in a good Bill to-night, let Parliament adopt it as soon as possible. If not, let them throw it out and with it the Government, so as to allow another set of Ministers to introduce another measure. He had had some advantages in forming a disinterested opinion of the Government of India. He had been in India for many years, but in an office, where he had nothing to hope and nothing

to fear from the East India Company, and he was, therefore, not open to the taunt occasionally thrown out by advocates of the Court of Directors, that those who had resided in the East, and who now opposed the Company, were speaking under the influence of some personal grievance. He hoped, therefore, that he was an unprejudiced witness, and the conclusion he had come to was, that the East Indian Government was an effete, useless, and cumbrous machine. He did not stand there to bring in a Bill of indictment against the Company. He would not deny an assertion frequently made by their advocates, that the Indian Government had been animated by purer and more benevolent motives than any other Government that ever existed. His complaint was that their practice had not been in accordance with their principles. Their State papers were admirable, but when the opinions in them came to be acted upon, a totally different course was adopted; the reason of which was, that their papers were drawn up by their clerks, by Mill, and Macculloch, and Melville, but the voting lay with the Court of Directors. Take the subject of education, for example. Having had some experience as President of the Board of Education in the Presidency of Bombay, he was able to assert that the promotion of education in India was entirely owing to the interference of Parliament and to the participation in this country in the affairs of the East. It became his duty when in India to peruse a despatch upon the method to be pursued by the East India Company's servants in the promotion of education, and a more luminous and masterly body of instructions to an official body than this despatch, he never read. It bore the signatures of the Court of Directors, though it was understood to have been written by James Mill, and it was regarded by the body over which he presided as the Magna Charta of their proceedings. It was, in short, full of great principles, and teemed with professions of a wise liberality. Acting on that despatch they laboured to spread the cause of education in India by the establishment of vernacular schools and otherwise, and after many years' labour they applied to the Board of Directors for a sum of £5,000 to assist them in their efforts. The application was strongly backed by the local Government. But would the House believe that this application to the Court was unnoticed for three years, and that at the end of that period they gave it a flat refusal? It was not, however, the business of those who supported the principle of the present Bill to attack the Board of Directors or bring an indictment against them. The House might sit for weeks and hear recriminations against the Directors, and against the Board of Control too—the friends of the one endeavouring to throw blame upon the other—but it would be to no purpose. He believed there were faults on both sides, and he was inclined to say of them, "A plague o' both your houses." The Board of Control and the Board of Directors, taken together, had not accomplished the objects which they were intended to effect. But it would be erroneous to infer from this that the Government of the Company, if uncontrolled, would be preferable. If they looked at what occurred in 1784, when the present system was first introduced, they would not say that the encomium passed on the Company by the hon. Member for Huntingdon (Mr. T. Baring) was at all deserved. In 1784 all parties concurred in condemning the Government of India as bad, venal, corrupt, and oppressive, and, what was worse, false and treacherous in its dealings with the native States. In the discussions that took place on the Bills of Fox and Pitt there was no controversy as to the misdeeds of the governing body in India, though the cry of chartered rights was echoed from one end of the country to the other, and a great deal was said of the amount of patronage that would be vested in the Crown. It was well known that Mr. Pitt contemplated placing the whole government of India under the direct control of the Crown, and that, though he proposed to do so gradually, his ultimate object was to do it as effectually as was now proposed in the Bill of the noble Lord. He himself thus stated the principle of his Bill to the House:—

> "The political concerns of this country in India—that is, the civil and military governments of India, the political establishments, the political system, the collection of the revenue, and, to give it one short and general definition, the imperial dominion of our territories in the East—ought to be placed under other control than that of the Company of merchants in Leadenhall Street. . . . The first business, then, was to take care that this should be made an effectual control; and it was his clear idea that this control could not with safety or propriety be placed in any other hands than those of the genuine and legitimate executive power of the constitution."

In another part of his speech in order to

show what the control should be, he observed, "the degree of control should amount to the government of the civil and military concerns and of the revenue." After that Bill passed it was found inoperative in giving to the Executive Government all the control over the Company that was contemplated, but from time to time Acts of the Legislature had been passed supplying the deficiency, and the course of legislation had at length left the Court of Directors a mere *caput mortuum*, with no power whatever. As things now stood the Queen's Government had all the political power with respect to India, but not the responsibility. He did not know a single instance of a President of the Board of Control having been called over the coals for any act of his Government, and he thought the noble Lord deserved thanks for having introduced a Bill which would give no more power to the Government, but which would fix them with the responsibility. It was a fact that up to this moment Parliament did not know on whom the responsibility rested for the Affghan war, which had been condemned on all hands. It was thought, some years ago, that the responsibility lay with a right hon. Friend of his who claimed it as his own; but at the India House the other day it was stated by a gentleman, formerly a member of the Council of India, that the war was commenced by authority of the Government in India. When an event such as that, which some regarded as a great crime and a great disaster, occurred, there was no one Minister to bear the responsibility, and it was impossible not to look on such a state of matters as very unsatisfactory. The hon. Member for Huntingdon complained that the Secret Committee was done away with, but what an objectionable institution that Secret Committee was.

MR. BARING said, his complaint was that the duties of the Secret Committee were to be transferred to a Secretary of State.

SIR ERSKINE PERRY: The Secret Committee was now bound to transmit the orders of the Board of Control, so that it was in fact the mere organ of the Government whenever orders were to be sent to India; but there was no possibility of bringing responsibility home to any one. By the Bill now proposed, however, all the orders of the Secretary of State would be laid before Parliament when required, and everything that was going on would be made known to the Members of that House. His hon. Friend compared our colonial misgovernment with the government of India by the Company, and this was one of the most favourite arguments of the opponents of the present measure. But in making this comparison they compared two things totally dissimilar. India was not a colony, and could never be one; there was no foot room in it for colonists from this country. There was a dependency of the British empire, however, that came in direct comparison with India, and that was the island of Ceylon. Ceylon was under the direct government of the Crown. He knew the island well, and was able to say, that notwithstanding the inferiority of the Cingalese to the Hindoos as a race, the improvement, the progress, and the civilization that had taken place there, under the Queen's Government, were infinitely greater than could be boasted of in India. He could well recollect the discussion which took place with regard to the conduct of Viscount Torrington, as Governor of Ceylon, and when it was proposed as a panacea for alleged evils to annex Ceylon to the territories of the East India Company. At that time he himself happened to be in Ceylon, and the outcry throughout the island at such a proposal was perfectly startling. The Cingalese admitted that there were defects in their system of government which might be amended, but they said that to hand them over to the rule of "John Company," as they called the Company of merchants in Leadenhall Street, would be to throw them into the fire at once. In the case generally of colonial Governments, up to a recent period when great and salutary changes had been made, no doubt there had been cases of favouritism and jobbing; but these cases which could not occur in India unless the British Parliament were to neglect its duty. What was it that had caused Indian patronage to be so well distributed, and had prevented jobbery and corruption? The Court of Directors could not be supposed to be less open to nepotism than any other body of men. The answer was simple; it was by the judicious interference of Parliament, which by statute had laid down certain restrictions and conditions regulating Indian patronage, which had prevented any great abuse of that patronage; and he could not believe that in the present century there was the slightest probability of a House of Com-

mons agreeing to change the provisions of so wise a statute in a way which might cause the patronage to be distributed in a less careful manner. The administration of patronage was every day becoming more pure and more patriotic, and he considered, therefore, that the arguments founded upon alleged favouritism and abuse of patronage fell to the ground. Such being the views which he entertained, he would state the reasons which led him to think that the present was an opportune moment for entering into a discussion of the principles which ought to characterise British rule in the East. He himself was bound to say that he viewed with great apprehension the present state of our Indian empire, and his faculties were sharpened to the utmost to ascertain the truth with regard to it, for he himself had invested nearly all his fortune in Indian securities. He did not feel that apprehension so much from the extent to which the rebellion had attained —a rebellion which the advocates of the East India Company were still pleased to call a military mutiny—as from the doctrines openly preached by the Europeans in India, and by the European press in that country. There had been unfortunately displayed a truculent spirit, an indiscriminate demand for vengeance, and a total disregard for native interests, which was much more likely to endanger British rule in India than any outbreak which had as yet occurred. Lord Canning had earned immortal honour by refusing to act upon such doctrines, and the unpopularity to which he had been exposed had arisen from his determination to draw no line of demarcation between the European and the Native population of India. Lord Canning recognized the duty of holding an equal hand to all the well-affected, of whatever colour or creed, and of treating them upon an equal footing of justice, and one reason why he was glad that the present time was chosen for this discussion was, because he believed the result of it would be to show to the Natives of India that the feeling of the people of this country was in accordance with the general policy of Lord Canning. He was sure that the people of England would not be led away by any mere sordid considerations as to which particular class were to enjoy a few hundred official posts. They took a far higher view. What they desired was, to see the people of India prosperous, happy, and improving under our rule; what they wished was that the great principle of religious toleration and of equality before the law should be extended to every inhabitant of that dependency; and what they hoped was that in time the great truths of Christianity might be recognised throughout the Indian empire. It was because he believed that those great purposes would mainly be effected by the Bill of the noble Lord that he should give it his most hearty concurrence.

MR. MONCKTON MILNES said, that it appeared to him that the subject resolved itself into two questions—first, as to the principle of the Bill; and secondly, as to the opportuneness of the present moment for discussing it. The noble Lord had said that those who prominently put forward grounds for delay must be taken to object to the whole measure; but he would remind the noble Lord that, in the midst of a great war, a measure for Parliamentary Reform, proposed by a noble Lord, the Member for London, then a colleague of the noble Lord's, had been withdrawn, upon the ground that at such a period it was impossible that it could meet with full and ample discussion. Hon. Members who had lately come into Parliament, and had not before voted on Indian questions, might have no difficulty in approaching this discussion, and reconciling it with their former opinions. But he could not help remembering that in 1853 he had done all he could to support the Company, and had stated his conviction that the Government of that Company was, in all its essentials, a good and a right Government—that he had used all the influence he possessed to perpetuate that Government, and had, by Amendments which he induced the House to adopt, in some degree modified the changes which then took place. That being the case, he did not see how he could be called on to support the measure of his noble Friend, unless such arguments were presented as should induce him to change his opinions. Such arguments might possibly have been presented. It might have been shown that, in the great series of events lately occurring in India, the action of the double Government had been so dangerous, so injurious to the success of the English power in India, that it was necessary, whatever other advantages it might have, that it should be modified or abolished. He had waited with the greatest interest to see whether in the speech of his noble

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Friend a single case was brought forward which would prove to the satisfaction of any reasonable man that, in the progress of events in India, successful under Providence as they had been, that success had been checked or limited in any degree by the action of the double Government. Had the noble Lord been able to show that in any way the action of the double Government had contributed to that awful mutiny or rebellion in India—or that any reasonable man would be justified in thinking that, if the double Government had not existed, the mutiny or rebellion would not have taken place—in that case they might have been called upon to modify their previous judgments. But he had brought forward no such argument; and it was not possible for those who in 1853 had supported the government of the Company to abandon it at this moment. His feeling with regard to the double Government had always been very much modified by the consideration of the nature of our Government at home. He had always been very unwilling to substitute a charter for a constitution. The experience of Governments on the Continent showed how difficult it was even for the best-devised Government to work its way in the world and accomplish its own purposes when it proceeded from the theory of any statesman whatever, and not from the practical action of events. Therefore he had always looked mercifully on the shortcomings of the East India Company and of the Board of Control, believing that in both cases the intentions of the governors had been right, and that their imperfections should be rather attributed to the necessary defects of human nature. Now, they were to have a total change. A new charter was to be given by the noble Lord for the government of 160,000,000 of people. This charter was to be administered by this small free nation despotically over that immense portion of the globe. It was the saying of a very great statesman, Machiavelli, that in his experience republics had always proved very hard masters of their subject States; and he did not think that the sanction of the British people and the British constitution would be any security whatever that India would be more mercifully or securely governed by the despotism of an English Cabinet Minister than it had been by the double Government of the East India Company. It was proposed to substitute for the Company a Council of eight gentlemen, to be appointed by the Crown—men, therefore, in a certain degree, owing their position to the Government of the day, who were to advise the Indian Minister upon various points. But these so-called advisers were not to have any further power than that of recording their protest in a note. It did not appear even that they were to have the power of presenting those protests to Parliament. At any rate, none of them would have the privilege of stating in that House the counter case to that of the Indian Minister; and it would be interesting to know whether those protests would ever be allowed to see the light, in order that if the Minister and his Council were at issue on any great question, Parliament and the country should be put in possession of both sides of the case. And yet it was said that this was no change at all. The noble Lord not only took away the direct check afforded by the East India Company on the administration of the affairs of India, but he took away that indirect but hardly less valuable check which had always existed in the presence of some Directors in that House, who could state their case, if it happened to differ from that of the President of the Board of Control. He could not understand how it could be supposed that any man really conversant with the affairs of India could be induced to become a member of that Council. He could not believe that any one of the present Directors would submit to place himself in a position in which he must be either an East India clerk or an English sub-minister. It was said that though the patronage was to be vested in the Crown, it would be given by competition. He could not conceive that the President of the Indian Board would be as independent an authority in the distribution of patronage as that which now existed. A portion of the Indian patronage was to be intrusted ostensibly to the new Council; but when those gentlemen sat together in a room where the President of the Board of Control might at his pleasure pooh-pooh everything that they said, it was difficult to see how they could be regarded as an independent authority, even in the distribution of patronage. Though this matter might be managed in their name, there would always be the suspicion that the Minister's influence enabled him to overbear their authority by contriving adroit arrangements for the convenience of all parties. But his great objection to the measure was as to the time of its introduc-

tion. The last speaker said that he should deem it a great glory to have taken part in contributing to this change of government on this occasion, but that he trusted that Indian affairs were not to be made matters of party politics more than they were now. Now, if they began by making this change itself a matter of party politics in that House, what an earnest was that of the party battles which would occur in future on Indian affairs! A little experience in that House had shown him what was the fate of colonies and dependencies when they came in contact with the party spirit of that House. He had heard the discussions on Ceylon and on Canada; in both cases he had seen great injustice committed, and he had unfortunately seen the interests of those mainly concerned continually subordinated to the interests and convenience of party warfare. The question of the government of Ceylon which was now put in contrast with the administration of their territories by the East India Company, was presented in such a way to the House that all but a total dissolution of all government in that island had been the effect of their strife; and with the exception of the present Colonial Secretary, Sir Charles Macarthy, not one official in Ceylon kept his place after that Parliamentary discussion. It was an awful danger to think of exposing the destiny of 160,000,000 of people to a system which would end in plunging their fate into the vortex of English party conflicts. He had waited with the greatest anxiety to hear from the noble Lord some plea for bringing forward his measure at this moment, but he had not advanced a single plea of the kind. Could that plea be the belief that the East India Company was at present unpopular with the people of England, and that it would be an advantage to the Government politically if they could abolish it? He could not believe that. He did not believe in the fact that the people of this country, when they came to reflect calmly upon the matter, would regard the East India Company with any feeling of dislike or alienation. They knew that the government of the East India Company had really been the government of themselves for themselves. It had been the government of India by the great middle classes of England, and by the real public opinion of this country, as expressed by its best and most glorious men. The Company had been free from all party bias and all political connection. It was the only Government in the world that he had ever known or heard of where it was not pretended that any favour was shown on a large scale except that which was due to merit and desert. It was said that the amount of patronage was exceedingly small, and that the system of open competition settled the question. He had opposed the introduction of that system in 1853; and he believed that before other ten years passed, a great many Members of that House would follow his example. He knew that that system was hardly ridden as a hobby by many innocent persons, and he had some estimable friends who were perfect Chinese on that matter. But he had reason to think that late events in India had shown that the best-trained boys did not always turn out the wisest men. Reference had been made to what the servants of the East India Company had been. Let the House look at what they now were, and do not let them commit the great injustice of destroying the government of the Company at the moment that its servants had shown themselves competent for the highest duties capable of the greatest sacrifices, an example of ability and endurance which had obliterated the unhappy memories of the Crimean war, and had shown what Englishmen could be and could do, when unaffected by false political conditions, and assisted by a Government accustomed to deal with dangers and unawed by the menace of calamity.

Mr. W. VANSITTART said, that having spent some of the best years of his life in India, and taking therefore naturally an interest in all that concerned the welfare of that country, he felt under some obligation to address the House on the subject under consideration. He would direct his observations for a moment to the petition presented to the House by the East India Company—a document of such singular ability that it must have made a profound sensation in every dispassionate mind who had perused it. He questioned whether such a body of petitioners had ever appeared at the bar of any legislative assembly. They challenged the most searching investigation into the whole of the circumstances connected with the mutiny in the Bengal army; and there was so much of truth, dignity, and justice in their appeal, that he could not believe that that House, actuated, as it had always been, by principles of the strictest honour and justice, would refuse to grant the inquiry. He himself for some time past had been of

the opinion that such an inquiry was absolutely necessary and imperatively demanded, and that, if granted, the results of it, when placed before the House, would be of material advantage in enabling them to legislate on this important question. He, for one, was not prepared to admit that the East India Company were altogether to blame for past disasters in the government of India; on the contrary, he thought the House had had too many instances of the ignorant vagaries of the Presidents of the Board of Control to doubt that much of it was due to that quarter. He (Mr. Vansittart) repeated his earnest hope that before the contemplated change was made in the government an inquiry into the cause of the mutiny would take place, because he was satisfied that such an inquiry would disclose that one of the principal of those causes was the extremely insufficient means, as regarded European troops, placed at the disposal of the Indian Government for some years previous to and at the time of the outbreak. Would it be believed that there was actually but one European regiment stationed between Calcutta and Lucknow, and that was at Dinapore, to protect a country extending over a distance of 610 miles, and embracing, besides a number of cities and chief towns, such as Cawnpore and Benares, the fortress and arsenal of Allahabad, which was the key of the lower Provinces, and in which were stored 35,000 stand of arms, nineteen lacs of rupees, and several heavy guns; and, had it not been for the indomitable courage of General Neill, with his handful of Madras Fusileers, supported by the exertions of Mr. F. Gubbins, Benares and Allahabad must inevitably have been lost to us. Again, in the whole country between Calcutta and Umballah, 1,100 miles in length, and from 250 to 300 miles wide, exclusive of the territories of the Rajah of Nagpore, Scindiah, and Holkar, there were but two European cavalry regiments and four regiments of infantry—one stationed at Dinapore, one at Lucknow—the brave 32nd—and which was withdrawn from Cawnpore—one at Agra, one cavalry and one infantry regiment at Meerut, and one cavalry regiment at Umballah. There were no European troops at Benares, Allahabad, Cawnpore, Gorruckpore, Fyzabad, and other important stations. Ever since they occupied Cawnpore, in 1803, they had one European regiment there, and one regiment of Dragoons besides. But would it be believed, such was the infatuation of the home authorities, that they withdrew three European regiments between 1854 and 1856; so that in the former period, before the annexation of Oude, there were twenty-one European regiments of infantry and two of cavalry in the Bengal Presidency, whereas in 1856 there were but eighteen regiments of infantry and two of cavalry? And had but those three regiments been permitted to remain, one at Delhi, one at Cawnpore, and one at Bareilly, who could tell what amount of human suffering and misery which had since been inflicted on our countrymen and countrywomen would have been spared them? Who could say, indeed, but that they might possibly have been the means of nipping the rebellion itself in the bud? Again, from Lahore to Rangoon, a distance of 1,600 miles, with not less than 80,000,000 inhabitants, there were but eighteen battalions of infantry, of which seven were required to keep down the disarmed population of the Punjab. But in Oude, where the population was not disarmed — where there were 59,000 troops belonging to the King, and 246 mud forts, we kept but one European regiment, and that at the expense of the unfortunate and ill-fated station of Cawnpore. With regard to the 22nd, 96th, and 98th regiments, which were withdrawn from India in 1855, it might be said that they were wanted for the Crimean war. But there was abundant time, since the conclusion of that war, to send reinforcements to India. The Marquess of Dalhousie, and those who were conversant with the affairs of India, saw what would happen if, when the Court of Directors approved of the policy of the annexation of Oude, the Government neglected to send out the means of sustaining that policy. How did we anex Oude? By smuggling ourselves into the country, and practising upon a voluptuous King and court and a licentious soldiery. That was not the way that Sir Charles Napier overran and annexed Scinde, and that Viscount Hardinge and Lord Gough annexed the Punjab. The Marquess of Dalhousie's recommendations were not attended to, and the House had now before it the fruits of that insane policy of annexing kingdom after kingdom without a sufficient number of European troops to support it, in the magnificent provinces which, during the last few months, had been wrested from us, in the blood that had been spilt, and the treasure that had

been plundered. Our brave generals—Havelock, Wheeler, Neill, and Nicholson—had lost their lives in upholding the honour and glory of England against fearful odds, and had obtained, by their deeds, the admiration not only of their own country, but of Europe and the whole world. But, in justice to those departed heroes, and to the surviving relatives of those who had been so foully outraged, mutilated, and murdered, he submitted that, before the House made any alteration in the mode of government, an inquiry should be instituted, under its auspices, into that insane policy of annexing kingdom after kingdom, unaided by an adequate number of European troops to sustain it, in order that they might know upon whom the blame of leaving the country so destitute of European troops was to be justly fixed. With regard to the double Government, he would not deny that great simplification might be necessary, and that the subdivision of authority and evasion of responsibility involved in it were objectionable. He thought it would be better to substitute in its place a responsible Minister, who could be interrogated as to acts, blamed for failures, and dismissed for faults; but it should be recollected that the Government of India was vested in the hands of the Governor General, who overshadowed, to a certain extent, the influence of the Board of Control; and he (Mr. Vansittart) thought, so long as that high office was administered by men with the distinguished ability of a Hastings, a Wellesley, an Ellenborough, or a Dalhousie, the evils of the double government had been much exaggerated. At all events, with the Jhansi, Bareilly, and Banda massacres unavenged—with the whole of Rohilcund and Central Asia in the hands of the rebels—with the shame of having to accept the services of Jung Bahadoor and 10,000 Ghoorkas—he maintained that this was not the proper time for legislating on the subject, and he therefore could not conscientiously vote in favour of the introduction of the Bill.

Mr. AYRTON said, he did not approach the consideration of this subject for the first time. Neither was it the first occasion upon which he had expressed an opinion, for, having many years ago gone to India with every prejudice in favour of the Government of the East India Company—having, indeed, been the object of its patronage, although he had not availed himself of that favour, he had arrived at a conviction that the continuance of the Government in the name of the East India Company was not only inexpedient, but was almost impossible. In the last Session of Parliament before the events occurred which we all now deplored, he took occasion to state his belief that the substitution of the Government of the Crown for that of the Company was absolutely necessary for the maintenance of the loyalty of the people of India. He looked upon the continuance of the present mode of government as wholly incompatible with the least knowledge of political ideas among the people of India, for if there was any force in the moral influence of the style of a government, it was impossible to conceive anything more dishonourable, or more degrading to a people than to be ignored by the sovereign State of which it was a dependency, and to be turned over to the remnant of a joint-stock company. It was true, the East India Company was no longer a trading company, but if there were any prestige attaching to a Government, the prestige in this case was most degrading to the Natives of India. The East India Company had been eulogized for its long and successful administration of the Government of India, and it was now said that this country must show its right to exercise its sovereign power in India, instead of the East India Company being called upon to show by what right it continued to interfere in the government of that country. That pretension had been put forward in a solemn and deliberate manner in the petition that had been presented in the name of the East India Company, which he was glad to see was not signed by any Director, but was put forward under the common seal of the Company, and therefore came before them without the voucher of any personal responsibility. In that petition were set out grounds so utterly untrue, facts were alleged which, if correct, would tell strongly in the Company's favour, but which were at complete variance with truth, that it would be most improper to allow those representations to remain unnoticed. He did not think the petition merited the eulogiums it had received, except for its wonderful cleverness. Something beyond cleverness, however, was required in such a document. The East India Company had presumed to say that it had acquired the government of India entirely by its own means, without assistance from the British Crown or the people of this coun-

try. It was astonishing how such an assertion could be made, when the three Presidencies to which the noble Lord had referred as the points whence radiated our power were acquired, or rather held, by the Company either by direct grant from, or by the aid of the Crown. Calcutta was conquered by the joint action of a small force of their own aided by Her Majesty's army and navy. The Presidency of Madras the Company held under the treaty of Aix la Chapelle, and Bombay under a treaty of the British Crown with Portugal. Such were the foundations of their territorial powers. But had the Company not received aid from this country in the maintenance of that power? Could it be forgotton that from 1813 to 1833 the Government of India was insolvent from year to year, and was only supported by the profits derived from a monopoly which it enjoyed at the expense of the people of this country? In that year, for the purpose of alarming the Government of that day, the East India Company stated that they had since 1813 derived £22,000,000 of money from that monopoly. And by whom was this money contributed? Why, as Mr. Grant said, it was paid by the people of this country as fully and as completely as if that sum had been granted by Parliament. It was obtained by a monopoly which raised the price of a commodity (a necessary of life) at the expense of every individual in this country. More than this, how often would the territories of the Company have been wrested from them had it not been for the effectual blockade between France and India maintained by the navy of England? Such was the character of the statements upon which the Company now demanded to be continued in their government. But, not content with this, they had the arrogance to tell the people of this country, or rather Parliament, that while the Government was losing provinces in America they, unaided, were extending our dominions in the East. Did it become the Company to inquire what was the cause of our losing America? Did not the Company go to the Government and say that they were insolvent, and did they not ask, as a means of extricating themselves from this position, that they might be allowed to send their tea to America, for it was their tea, and the destruction of it, which first produced the American war; and it did not become the East India Company, therefore, to take credit to themselves for the maintenance of an empire in India, while, at the same time, America was being lost to this country. But it was said that the Company had done great things for India. Was that true? On the contrary, all that had been done for India during the present century had been done, not by, but in spite of the East India Company. In 1813 they opposed with might and main the opening of the trade with India to the merchants of this country, and they got together evidence from all parties and all sides in favour of their views. They had demanded that things should remain as they were. They had brought forward evidence in support of their claim to exclusive trade; aud what did they tell Parliament? They represented that there was something so inscrutable and unintelligible about the Natives of India that they could not be got to trade, or to extend the growth of cotton, or even to take the goods of this country at all, unless they were introduced through the East India Company. They had said that the trade would, by reason of some special causes affecting India, remain at the amount at which it then was, namely, at a million and a-half a year. But what had now become of the trade? Why, that trade which they had said would be ruined, if the private trader whom they called the interloper were let in, had risen to £23,000,000 a year. If it had been left to them it would have remained as it was, and no British subject would ever have been allowed to visit India and carry on an independent trade. Then when the question came as to the trade with China, the same story was told, and it was said that the whole power and destiny of this country in the East depended on maintaining things as they were, and that everything would be deranged if the freedom of British enterprise were allowed to penetrate into China; that the trade with China was incapable of extension and would be ruined by freer intercourse with that country. But what was the real state of facts? Why, at that time the whole of the trade on both sides had amounted only to two and a-half millions, while now it was eleven and a-half millions of money. Did it become the East India Company to say they had produced all the trade? Why, if it had been left to them the country would still have been paying the grievous prices for tea and oriental commodities which had been found so severe a tax on the poor. There was no truth in the assertion that the East India Com-

pany had done everything great for India. Everything which deserved the name of great and good in connection with our Indian Empire had been done under the influence of Parliament, an influence which sprang from the public opinion of this country. Did it become the East India Directors to say that all political virtue rested in the recesses of the India House, and that no one out of their body ever interfered with the affairs of India from pure motives? He did not wish to reopen things which he hoped were passed. He was ready to believe that the price of public appointments was no longer known in the City of London, and that the patronage of the Company was exercised in accordance with the improved public morality of the country; but he knew enough of the past history of that patronage, he had heard enough about the banking accounts of the East India Directors, to say that it was better that they should not revive a consideration of these things, that they should stand upon the improved aspect of the present and should not challenge too strict an inquiry into the past. Then it was said that the Court of Directors was the most fit body in the world to administer this government. Could anything be more extravagantly absurd than that the President of the Board of Control, who was responsible to Parliament for the whole government of India, had not power to communicate with a single member of the Council which sat in Leadenhall Street. Very recently a member of that Council, who had passed almost his whole life in the Bengal Provinces, boasted that throughout this eventful time he had never communicated with the right hon. Gentleman upon the affairs of India. Could anything be more ridiculous? What was the use of a consultative Council if the person whom it was to advise was not at liberty to ascertain the opinions of each of its members? And what did the President of the Board of Control get from the India House? He got a resolution with opinions distilled into him through the medium of the Chairman, who was the organ of communication. The Chairman of the East India Company, in conveying a resolution to the Secretary of the Board of Control, might have to argue with him in favour of what was opposed to his own personal convictions. Such an occurrence was quite possible; and he might appeal to the experience of the right hon. Gentleman the President of the Board of Control whether such a case had not occurred within his tenure of office? But whether it had or not, what were they to think of a system which provided a Council to assist in carrying on the government, but a Council which had no communication with the responsible Minister, and the members of which so arranged that there should be no individual responsibility amongst them? But to form a just estimate of advice, we must know by whom it was given, what were the general views, feelings, interests, and prejudices of the adviser. Nothing was ever made known except the result of the deliberation of the Court, which was sometimes arrived at by a majority of one. Was that the sort of advice the Minister ought to have? Was that a system which ought to be continued for one hour? Was it compatible with a full measure of responsibility on the part of the President of the Board of Control, though quite compatible with no responsibility on the part of the Court of Directors? He did not entertain so exalted an estimate of human nature as to believe in the official capacity of any man who acted under a screen, and who took precautions that he personally should never be responsible for his conduct, even on questions involving the safety of our Indian empire. Such was the system which Parliament was now called upon to say should no longer exist; and when the Government had made up their minds to put an end to it, would any man hesitate to support them? It was to be regretted that former Governments had not felt themselves strong enough to face the powerful influence of the East India Company; but he was glad to find that, year by year, the Court of Directors had fallen in public opinion, and he rejoiced that it had at last fallen so low that the Government could now deal with this question upon clear principles of right, and in a comprehensive spirit, and do away with an anomaly which had been the disgrace of England from the first hour of its existence. The Court of Directors had been somewhat clever in sounding alarms; they had suggested that now was not the time to dispose of this question. For his own part, he thought that the delay had been too great, and that the sooner the change was effected the better. So far from the insurrection being a ground for delay, it was precisely the cause why the administration of India should be made more energetic and efficient in its action, and now was the time for remedying all defects, in order, if possible,

to avoid that which the right hon. Gentleman the Member for Buckinghamshire had warned the House against—a prolongation of the war. At the time when the Company was depending for its existence on the naval and military forces of this country, the Minister of the Crown should be empowered to demand from the body advising in Leadenhall Street daily and hourly assistance and advice for his conduct on every question that could arise. It was precisely at this moment that the deficiencies of the administration would be felt, and it was now they ought to be remedied. The hon. Member for Reigate (Sir H. Rawlinson) had declared that the mere proclamation of the Queen's Government would be an event of the most incalculable moral effect in India, and many men well acquainted with India attached the greatest importance to this, which some hon. Members appeared to think was a mere change of name. The Native Princes, as had been sagaciously remarked by the noble Lord at the head of the Government, would feel exalted in their dignity when their treaties were no longer made with a joint-stock company, but with the Sovereign of England. They attached the greatest weight to what was here considered a shadow. It was a fact that the people of India regarded even the right of appeal to the Queen in Council as a great political right, as bringing them, as it were, directly under the *surveillance* of the Crown. To such an extent were these ideas carried in India, that in recent times we had seen a Prince who, thinking he had been injured, came over to this country, and offered his child to the Queen to be brought up as a Christian, under the impression that in return for such a peace-offering to the Sovereign of England he would receive justice at her hands. He (Mr. Ayrton) regretted that there should have been found, at the India House, men who could encourage such a proceeding, and, when a great religious principle was involved, countenance the transaction, that they might have the honour of taking part in the royal ceremony which it involved. As a further proof of the powerful moral influence of the Queen's name, they had lately seen a royal family and a Queen come to this country, no doubt under the impression that she would be allowed to go into the Queen's presence, and there receive the justice that was denied her by the Company. The Natives ascribed to this mighty Sovereign a power so transcendental that he believed, with the noble Lord at the head of the Government, a mere declaration that the intermediary Company was to be set aside, and that they were to come under the protecting influence of the Sovereign, would be tantamount to an army in aid of our forces in the East. Of course the effect of the change would depend a great deal on the manner in which it was carried out. Men influenced by the old traditions would be the less inclined to insure its success. He recollected the ferment in the Bombay army because an officer of the Queen's army had forgotten something due to the respect owing to the Company's army. One good effect of the Bill would be to put an end to all distinctions between the Queen's Court and the Company's Court —between the Queen's army and the Company's army—and bring them all under the direct and recognised sovereignty of the Crown. He had intended to have called attention to the document which had been circulated in conjunction with the petition of the Company; but he trusted that there would be such a feeling in favour of the Bill, and such an opinion of the unfounded character of the opposition raised by the Company, that it would become unnecessary to do so. He was prepared, however, to discuss any question of detail, and to show that the men who could write such a document, whatever might be their ability, were not fit to be entrusted with the administration of the Government of India unless they were brought under the direct moral influence of the people and Parliament of this country. That document made a statement as to the condition of the ryots. Did not the writer know that these ryots were taxed to the last farthing. [Colonel SYKES: No.] He did not mean that, literally, they had not a farthing—but that they had not a farthing of property, in the sense of the word, in this country; the Government took almost everything, and left the cultivator scarcely enough to support life. The document further stated that the tax on salt was the only tax the ryot had to pay; but the Government left him nothing to pay it with. Great credit was taken for the fact that in the Punjab, the only province in the north that remained faithful, the land revenue was only one-fifth of the gross profits of the land, its amount, in other portions of India, being from two-fifths to three-fifths of that produce; but what would have been

the state of things if they had purchased peace in the rest of India at the same price? The whole Government would be insolvent. In the Punjab the income was only sufficient for the ordinary civil expenditure, and for the public works; all the army and general charges had to be borne by the surplus revenue of the provinces that were now in a state of insurrection. If they gave any man *carte blanche* to go to Bengal and declare that the revenue should be reduced to one-fifth of the produce, they might at once withdraw their army. He was informed that the wretched cultivators were sometimes reduced to such a state as to be obliged to eat the soil they tilled in order to keep off the cravings of starvation. He did not mean to say that that was a normal state of existence. [*A laugh.*] Hon. Members might laugh, but if they were familiar with the condition of the inhabitants of our Indian empire they would, he was assured, be fully prepared to bear testimony to the substantial accuracy of his statement. In the event of famine they perished on the spot from want of the means of removal. It was the duty of the Government to provide for such emergencies, when they proclaimed their right to take all the produce of the land except what they were pleased to consider a sufficient subsistence for the owner of the soil. These calamities could be foreseen, and ought to be guarded against, as was done in other countries under precisely analogous circumstances. He thought he had said enough to satisfy the House that there was no truth in the contention on the part of the East India Company that they had produced all the good done in India; but he would make some observations on the details of the Bill. He did not give an unqualified adhesion to them all; he could not accept the proposed arrangement as to patronage as quite sufficient. He did not think the Court of Directors were entitled to any great credit in the question of patronage. They had the disposal, on an average, of 400 cadetships a year, and yet they never applied their patronage to any public purpose, nor listened to the claims of those who returned in sorrow and desolation from India. He did not refer to individual Directors; he spoke of the Court as a body. They treated their patronage as private property. If an application was made the answer was, it could not be entertained, go to an individual Director; so that the widow of some distinguished officer had to go from door to door until at length, perhaps, she might obtain her object from some Director who had exhausted all his private claims. The noble Lord had proposed a rule which would bring that matter under the cognizance and control of Parliament. The only difference he would suggest was, that instead of giving the appointment to the Council, with power to allot a certain share to the army, the number to be disposed of by the Council should be fixed, and all the rest given to the Indian army. There was another point of very great importance to which he trusted public attention would be directed when the Bill came on for discussion. The noble Lord had shadowed out a mode of checking the accounts and expenditure of India. He (Mr. Ayrton) could not see any just line of demarcation that could be drawn between the expenditure under the control of the Secretary of State for India and that of any other public department; and the best system of control would be to have the home expenditure brought before them in the shape of the Estimates. He believed that the step would be productive of as much advantage to India as those taken in 1833 and 1853. While, therefore, there were certain points of detail in the Bill of the noble Lord to which he could not assent, he felt bound to give to its principle a cordial support, in the belief that the practical operation of that principle, so far from placing the continuance of the Indian empire in doubt, would conduce to its relief from the difficulties that surrounded it, would bring it under the direct influence and control of the people and of Parliament, and commence a new career, by which the Government would in time to come, promote in equal degree the prosperity of the people of India and the advantages which this country ought to derive from its connection and intercourse with that part of Her Majesty's empire.

SIR JAMES ELPHINSTONE said, that there were two grounds which would induce him to vote against the first reading of this Bill. The first was that, instead of the powers of the Council being given to an independent responsible body drawn from those best acquainted with the subject, they would be transferred to an irresponsible body; for, although the members of the Council were, in the first instance, to be chosen from the Court of Directors, the office must eventually become a political one, given for party purposes. A stronger ground was, the time

at which the Bill was introduced. He believed that it would have a very prejudicial effect in India if the question were brought forward and dealt with at that moment. There was a formidable struggle still going on in that country, and it was well known that the bulk of those engaged in it knew only so much as their leaders wished them to know. They had seen how slowly the effects of the fall of Delhi had penetrated through the country. For weeks and weeks the people would not believe that that event had taken place; and he had no doubt that, in some parts of the country, they did not even now believe that it had fallen. In the course of to-night's debate, Her Majesty's Colonies had been alluded to as being governed in a superior manner to the territories of the East India Company. He (Sir J. Elphinstone) happened to have some knowledge of one of those colonies, the Island of Ceylon; and whereas the East India Company had at this moment some 400 or 500 miles of railway in operation, and a very much greater extent than that in progress of construction, yet, although a railway was projected in Ceylon as far back as the year 1845, it was with the greatest difficulty that it had now at length been brought to the point of survey. Again, whilst the East India Company were taking into consideration the expediency and necessity of doing away with export duties altogether, as trammels upon commerce, and not in accordance with the spirit of the age, the Government of Ceylon had laid a duty of 2½ per cent on export produce, to pay for the projected railway. In the next place, if they looked at the various public offices in the Crown Colonies, where would they find them filled up with men like the Lawrences, the Outrams, and the other distinguished men who, by their actions in India, had shed such brilliancy and glory upon our country? Why Her Majesty's Government had sent out to Ceylon, as Colonial Secretary a gentleman who actually opposed the construction of a railway in the island; and he was the son-in-law of one of the Ministers! Look to Hong Kong. Did the government of the island confer any honour or credit upon this country? He believed that every man who had had an opportunity of seeing how India was governed must look with pride upon those pages of history which he feared were now going to be closed for ever; for, as soon as Her Majesty's Government began to exert over India that influence which they exercised over the other Colonies, from that moment he apprehended that India would be placed under the rule of a totally different description of men. He was surprised at hearing the noble Lord, in the closing part of his speech, say that we had governed India for 200 years, and that the Company were responsible for the causes of the mutiny. It was not a great many years since, that he (Sir J. Elphinstone) first went to India, about thirty-five or thirty-six years ago, and then we did not possess one-half the extent of territory in India that we do now. The territory of Delhi was acquired only in 1804; and since the year 1817 we had added Deccan, Scinde, Coorg, Cuttack, Chittagong, Pegu, Moulmein, the Punjab, and a variety of other parts of India, which, in acreable extent, were probably about three-fifths of the whole. He was astonished, therefore, that the noble Lord, who, in general, never opened his lips but to instruct and inform them, should, in a speech which must have been the result of much earnest thought, have committed himself to the utterance of such a palpable fallacy. Now he (Sir J. Elphinstone) did not think the House would pass the Bill in its present shape; it appeared to be so extensive a change, and so thoroughly and radically different from what had hitherto proved to be an excellent form of government. Taking the amount of work that had been done in India during the last twenty years, and the great public works which were still going on there, and which must be carried to completion in a very short time, he was convinced that, when they looked back calmly upon the subject, it would be acknowledged that no Government which had been engaged at the same time in carrying on wars, and acquiring territory, had ever accomplished so much in so brief a period; and he trusted that those energetic and able men who had conducted the government of that country, and whose deeds had reflected such lustre over the arms and the politics of their country, would, if the Bill went to a second reading, receive a fair and honest hearing, and be allowed to clear themselves of the imputations which had been cast upon them, and to show that the mistakes which had been committed in the government of India had proceeded from the Government in this country, and not from the East India Company.

THE CHANCELLOR OF THE EXCHEQUER: * Sir, the hon. Member for Hunt-

ingdon (Mr. T. Baring), who has taken the somewhat unusual course of moving an Amendment upon the Motion for leave to introduce this Bill, laid the foundation of his Amendment by presenting to the House an ably drawn and carefully considered petition from the East India Company. Now, Sir, I agree with the hon. Gentleman who lately addressed the House (Mr. Ayrton) that this petition has received fully as much praise as it deserves; for a public document of that kind ought, as he justly remarked, to be distinguished not merely by excellences of composition and style, but should be based on undeniable facts, and should present close and cogent reasoning. Now, there are two main assumptions which run through this document. One, which is perpetually obtruded on our attention, is that we owe to the East India Company — to their policy, to their resources, and to their energy—the acquisition of our Eastern empire; the other assumption is that the Government of the East India Company has been one of the best which the civilized world has produced —that it may be taken as a model and a pattern for the excellence of its administration above all other Governments. Now, before I advert to the remarks of the hon. Member (Mr. T. Baring) I wish to examine how far these two main allegations of the petition can be substantiated. First, as regards our owing to the East India Company the valuable acquisition of our Indian empire, I will not now stop to inquire whether that empire is of the value which is attributed to it. It certainly adds nothing to the wealth of the Government of England; and whether the fact of our exercising this high sovereignty contributes to the trade of this country is a matter of opinion. Those, however, who maintain that we owe an inexhaustible debt of gratitude for the supposed acquisition of India by the Company, are bound to show, if they can, that we derive great benefit from that empire. I wait to hear these proofs—hitherto, I confess, I have not been made acquainted with them; but I fully admit that, the Indian empire having been acquired, the Native Governments having been destroyed, and our Government having superseded them, we have incurred certain obligations towards the people of India which we are bound to fulfil. We have succeeded to the government of the Native States, and that government we are bound to administer to the best of our power. Even for the sake of the Natives of India we are bound to maintain it. I am not at all questioning the policy of maintaining our Indian empire; I only say that those persons who contend that we owe a deep debt of gratitude to the East India Company for acquiring that empire, if it can be proved that they did acquire it, must begin by showing that we derive from it those enormous advantages which it is supposed to have conferred upon us. But I wholly dispute the doctrine that it was by the policy of the Company that India was acquired. Every person who is acquainted with the history of our relations with India, will concede to me that it has been the invariable doctrine of the Court of Directors, of the Executive Government of this country, and of Parliament, that all wars and all territorial acquisitions in India should, if possible, be avoided. That, I maintain, has been the invariable policy of the Court of Directors from the commencement. When they were a mere trading body, they held that doctrine more peremptorily than they have done since they have become a governing body. It was in defiance, and spite of the injunctions of their employers at home,—it was through the energy of men like Clive, it was through the daring and successful rapacity of governors like Warren Hastings, that the first foundations of our Indian empire were laid. The Company had factories, they had forts, they had a small army, they had a treasury, they had commercial establishments in India, all which were at the disposal of their servants. From the very beginning those servants were an insubordinate and mutinous race. In spite of their employers they acquired territory. They were called upon to make remittances home. What was the easiest way of providing remittances? Why, to plunder a province. The Directors always held the same language—"Be just," they said, "be equitable, avoid war, avoid the acquisition of territory; but do not forget to send us our remittances home." The servants of the Company, at that time, divided from England by a voyage of five or six months, or even more, round the Cape of Good Hope, practically established their independence, and we find reiterated complaints in the early records of the Company of the invariable insubordination and disobedience of their own servants. I maintain then that the foundation of our Indian empire was laid in spite of

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the distinct, repeated, and peremptory instructions of the trading Directors in London not to acquire territory. Successive acquisitions were made by Lord Clive, Warren Hastings, and other men acting according to their own policy, and in spite of uniform directions from home. And what was the fate of those Indian conquerors when they returned to England? Take the case of Clive. Lord Clive returned enriched by a noble fortune, not acquired, I regret to say, by noble means. After a few years he was made the object of severe Parliamentary attacks and censures, under the vexation caused by which he put an end to his life. Such was the effect produced by English opinion upon the mind of the founder of our Indian empire, as he is called. Then take the case of Warren Hastings. We know the reception he met with. We know that this House came to a vote for his recall from India. The Directors were prepared to obey that vote, but the Proprietors refused to obey it. The Secretary of State of that day refused to send out the letter of the Proprietors confirming him in his government; and a few years after, on his return to England, he was made the object of that celebrated impeachment in which all the great and splendid talents of the day were employed in denouncing the crimes and misdemeanours of this eminent pro-consul. All the leading statesmen of that time in the House of Commons—Burke, Dundas, Lord North, Fox, Pitt, Sheridan, either were promoters of his accusation or acquiesced in its propriety, and he was placed on his trial by the common consent of Parliament and the country. Looking to all these facts, we must acknowledge it a mistake to suppose that it was the policy of the Court of Directors that gave to us our Indian empire. That empire resulted, in fact, from the irregular and insubordinate energy of some of their servants, using indeed the instruments which the constitution of the Company placed in their hands, but using them in defiance of the constant policy and repeated injunctions of the Directors.

Well, Sir, such was the state of things when the government practically passed out of the hands of the East India Company; for on this point I confess I am entirely at issue with the petition of the Company and the speech of the hon. Member for Huntingdon. Practically the government of India passed out of the hands of the Company in 1784, and from that time a series of governors appointed under the influence of the Executive Government at home, succeeded. The Governor General who may be said to be the second founder of our Indian empire was Lord Wellesley. He went out to India not by the nomination of the Court of Directors, but of the Executive Government. At this time he was under the restraint of a clause in an Act of Parliament passed expressly to prevent territorial acquisitions in India; and he evaded that Act by the system he introduced of subsidiary treaties. By that system the acquisition of territory was avoided; but the army, and consequently the real sovereignty of the country, passed under the power of the English Government. Lord Wellesley, like his predecessors, acted in evasion of the policy recommended not only by the legislation of Parliament, but repeatedly forced on his attention by the instructions of the Directors. When it suits the purpose of the friends of the Company to represent them as the friends of peace, they tell us that the Company always opposed the wars made by the Governors General. That is true. They have been, to their credit, in one sense the consistent opponents of territorial aggrandisement in India; but, then, if their policy had been carried into effect we should not have had the large Indian empire we now possess. I say that in the first instance we owed our Indian empire to the energetic daring of their servants and to that combination of qualities which distinguish Englishmen wherever they are placed. It was owing to these qualities in the individual servants of the Company that the foundation of our Indian empire was laid; and it was by subsequent Governors General, appointed by the Executive Government at Home, acting in evasion of the policy of the Directors and of Parliament, that territorial acquisitions were accomplished. Therefore, I dispute entirely the truth of the representation that we owe a debt of gratitude to the East India Company for the acquisition of our Indian empire.

I now come to the other point in the petition of the Company; namely, their claiming credit for having exercised their government in India in a manner to command universal admiration, and to render it a model for all Governments on the face of the earth. This is the manner in which the Company speak of themselves in the petition presented to this House—

"They feel complete assurance that the more attention is bestowed and the more light thrown upon India and its administration, the more evident it will become that the Government in which they have borne a part has been not only one of the purest in intention, but one of the most beneficent in act ever known among mankind."

It must be acknowledged that the character which the Company bestow on themselves is not very remarkable for the moderation of its terms. Let us inquire how far this character rests on the evidence of facts. The Company may be said to have originated with respect to its power at the time of the union of the two Companies, which were consolidated in the reign of William III., and remained substantially a trading Company until the battle of Plassey was fought by Clive, who shortly after laid the foundations of the territorial sovereignty of Bengal, by the acquisition of the duannee? A few years after the Government of England began to make a claim on the Company for a share of their territorial acquisitions, and the Company came to a compromise with the Government, by which they were to pay an annual sum of money, instead of, as proposed by Lord Clive to Lord Chatham, the Crown taking possession of the territorial acquisitions. This state of things continued for a few years, until the abuses prevailing in the administration of the Company attracted the attention of the Legislature; and in 1773, under the Ministry of Lord North, was passed what was called the Regulating Act, by which Parliament first interfered with the local Government of India. By this measure it was attempted to place a control, not on the Company in London, but on the local Government in India. The members of the local Council in India were named in the Act of 1773. Five members were named, and three went out from England to conduct the local Government, two being at the time in India, one of whom was Warren Hastings. The result of that attempt at Parliamentary control was dissensions without end in the Council, duels between two of the members, and a conflict with the Supreme Court; and the experiment ended with a conviction on the part of Parliament that the endeavour to subject the local Government to direct Parliamentary control was a complete failure. I should observe, that by the Act of 1773 power was taken for the Secretary of State and the Board of Treasury to examine all the correspondence received in England from India. Even at that time the principle of Parliamentary control over the proceedings of the Company was established, and it is material for the House to observe the fact, inasmuch as an assumption is made in popular arguments that Parliament for the first time interfered to control the administration of the Company by the Act of 1784. That is a mistake, for by the Regulating Act of 1773 a control was taken for the Crown over the nomination of the members of the Council whenever any vacancies occurred; and power also was taken for the Secretary of State and the Board of Treasury to inspect all correspondence received from India. In a few years, however, it was found that those powers were not sufficient, and, in 1781, Lord North carried a Bill by which he enlarged the superintending authority of the Government, and enabled them to control the correspondence sent from the Board of Directors to the authorities in India. This was, in fact, the germ of the system which was afterwards promulgated in Mr. Pitt's Act of 1784. Notwithstanding these successive interferences of Parliamentary control, it was found that the administration of India did not improve—complaints multiplied; and Committees of the House were appointed in 1782 and 1783, who made a long succession of Reports, which any gentleman who may be curious to read old documents of that description will find included in four very large folio volumes, compared with which our modern blue books are quite puny and degenerate. The whole subject of the Indian administration was at that time investigated by two Committees of this House, one of them presided over by Mr. Burke and the other by Mr. Dundas, who was afterwards President of the Board of Control. Those Committees made, I believe, not less than seventeen Reports. I state that fact for the purpose of showing that, at the time to which I refer, the whole subject of Indian affairs underwent a most careful investigation by this House. Those, therefore, who suppose that the administration of the East India Company during the ten years from 1773 to 1784 was one course of uninterrupted prosperity must be singularly uninformed in the Parliamentary history of that period. I will take the liberty of reading an extract from Resolutions which were moved in this House in 1784 by Mr. Burke, in which he describes the result of these Parliamentary inquiries; and if it were necessary, if the truth of what I am now stating should be

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disputed, I could produce a multitude of passages from the Reports and from speeches made at that time which would support every one of the sweeping condemnations in the passage I am about to read. I ask the attention of the House to this summary of the investigations then made, inasmuch as I think it will show them how far the character which the Company give to themselves for their administration is true during the time when the administration was really that of the Company—when the pure, simple, unmixed management of the Company and their officers existed, with a very imperfect control, though with some control even then, on the part of the Executive Government. These are the terms of the Resolution moved by Mr. Burke in 1784 :—

"The result of the Parliamentary inquiries has been that the East India Company was found totally corrupted and totally perverted from the purposes of its institution, whether political or commercial; that the powers of war and peace given by the Charter had been abused by kindling hostilities in every quarter for the purposes of rapine; that almost all the treaties of peace they have made have only given cause to so many breaches of public faith; that countries once the most flourishing are reduced to a state of indigence, decay, and depopulation, to the diminution of our strength, and to the infinite dishonour of our national character; that the laws of this kingdom are notoriously and almost in every instance despised; that the servants of the Company, by the purchase of qualifications to vote in the general Court, and, at length, by getting the Company itself deeply in their debt, have obtained the entire and absolute mastery in the body by which they ought to have been ruled and coerced. Thus their malversations in office are supported instead of being checked by the Company. The whole of the affairs of that body are reduced to a most perilous situation; and many millions of innocent and deserving men who are under the protection of this nation, and who ought to be protected by it, are oppressed by a most despotic and rapacious tyranny. The Company and their servants have strengthened themselves by this confederacy, they have set at defiance the authority and admonitions of this House employed to reform them; and when this House had selected certain principal delinquents, whom they declared it the duty of the Company to recall, the Company held out its legal privileges against all reformation, positively refused to recall them, and supported those who had fallen under the just censure of this House with new and stronger marks of approbation."

Now, I affirm that this language, strong as it may sound at this moment to a House not familiar with the scenes of rapine, of extortion, and of every species of abomination which had been brought out in evidence before the Committees of 1782 and 1783, is a perfectly faithful representation of the opinions which prevailed in Parliament at that time with respect to the government of the East India Company. I most confidently maintain that this notion which has got abroad—this sentiment—of the great debt of gratitude which we owe to the East India Company is one that was not only entirely unknown, but most alien to the feelings of the generation who knew what the Company was before Parliament had interfered to control it. I do most confidently maintain that no civilized Government ever existed on the face of this earth which was more corrupt, more perfidious, and more rapacious than the Government of the East India Company from the years 1765 to 1784. That was the interval between the period when it first acquired territorial sovereignty and the time when it was placed under Parliamentary control. During that interval the Company exercised the functions of trader and governor in combination, with most imperfect control on the part of the Government and Parliament of this country; and I appeal most confidently to the records of Parliament, to the evidence in the reports and documents of this House, for conclusive proof damnatory of the character of the East India Company as a political body. With these documents before me, I confess that I cannot read without astonishment the character which the Company have bestowed upon themselves, founded as that character is, entirely upon their acts since the time when they were subjected to Parliamentary supervision—since the time when there has been a Board of Control to superintend the proceedings of the Directors in London—since the Governor General and the other Governors of India have been appointed, not by the Directors themselves, but by the Crown and Executive Government of this country, subject to public opinion and to Parliamentary responsibility. Now, all that can be said in favour of the Company dates from the year 1784. I challenge them to find one bright page in their annals during the whole period when they were not subject to Parliamentary control. It is by confounding the acts of two periods—by suppressing their conduct in bygone days, which have passed from the memory of the present generation, and the records of which are to be found chiefly in histories written by servants of the Company, and therefore not weighing with very great force on their misdoings—and by concentrating our vision upon subsequent times, when they had become a mere subordinate body acting under the control of the Executive Government,—that they are

enabled to claim for themselves this extraordinary credit.

Now, let us briefly follow the history of the Company from the year 1784. We know that before that time Mr. Fox and Mr. Burke—the latter of whom had been the chairman of one of the Committees to which I have referred—who was deeply impressed with the enormities of the Company's Government, and who, in the subsequent impeachment of Warren Hastings brought under the attention of the House of Lords, in speeches destined to be coeval with the English language, the misdeeds of the Governor whose acts he impugned —we know that Mr. Fox and Mr. Burke combined to frame the clauses of the first India Bill, which nearly annihilated the rule of the Company. There was not at that time any feeling of sympathy with the Company on the part of the people of this country; but the defeat of the measure was attributable to alarm respecting the Indian patronage, and to the belief that, as the Commissioners for India were named in the Bill, and were the partisans of the Executive Government, an unconstitutional power would be conferred upon them. Notwithstanding this prejudice, the Bill passed the House of Commons, but it was thrown out by the House of Lords, in consequence, as was believed, of the personal influence of the King, who took alarm at the independent authority which he thought would be conferred by the measure upon his Minister. The Bill was not defeated from any sympathy on the part of the country with the Company; but Mr. Pitt, with great dexterity, took advantage of the alarm which that measure excited, from the notion that Mr. Fox intended to avail himself improperly of the power which the Bill would have conferred upon the Government, and the Ministry were defeated. The Government fell; Mr. Pitt succeeded them, and he introduced that system of a mixed government which has lasted in a certain form down to the present day. Any gentleman who will take the trouble to read the speech in which Mr. Pitt introduced his measure will see that he laid it down as a principle that there was an overwhelming and imperative necessity for legislating upon the subject of India—that the public opinion of that time absolutely required that the East India Company should not be left to continue in the exercise of its uncontrolled powers. Mr. Pitt having thrown out the Government of Mr. Fox upon the previous Bill, left the East India Company in the possession of its powers, both as respects the government and the trade, but he created a Board of Control which was to predominate in all respects over the acts of the Directors. Now the House will observe that the effect of the institution of that Board of Control was wholly to alter the character of the East India Company. Up to this time the East India Company, with the exception of those rudiments of Parliamentary interference which I have described, was a trading Company, exercising sovereign powers over certain provinces in India. The institution of the Board of Control, placed the East India Company at once, with respect to its governing powers, in a purely subordinate position. They were from that time bound to obey every order which the Board of Control chose to issue. They retained, no doubt, the initiative, and practically they continued to exercise great influence over the affairs of India, but legally and constitutionally they were reduced to perfect subordination, and they were placed completely under the control of this department of the Government. In 1793, Mr. Dundas, who was then President of the Board of Control, brought in a Bill of great length, in which he consolidated all the existing enactments on the subject of the Company, giving them greater definiteness and greater precision; and he brought to complete perfection the system of the double government originated in 1784. He renewed the Company's charter for twenty years; and in that condition it remained until the year 1813. In 1813 the opinions on the subject of free trade had spread more widely in the country, the impatience of the trading community at the double monopoly exercised by the East India Company made itself felt, and the Government of the day determined to propose the abolition of its monopoly of the trade with India, preserving, however, its monopoly of the China trade. That mighty change, so far as the East India Company were concerned, was introduced in 1813. They were not prohibited from trading with India; but their monopoly was gone. That, in fact, was the first great stone struck out of the edifice of the East India Company. They had originally been merely a trading Company; their sovereign powers had come incidentally; they acquired incidentally great territorial revenues; but their main and paramount character was

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that of traders. If the House of Commons of that day had acted under the influence of feelings which we are told now we ought to respect,—if it had been the belief of the Parliament of that time that a boundless debt of gratitude was owing to the East India Company for their acquisitions of territory in India,—can any one doubt that their trading monopoly would have been retained as one of the most precious flowers of their prerogative? Parliament, however, was bold enough to lay its profane hands on the ark of the East India Company, and they were deprived of the monopoly of the Indian trade. Deprived of the monopoly of the Indian trade, the Company was distanced by private traders, and I believe they exercised but little of their trading privileges after the time they lost their monopoly. But they retained the monopoly of the China trade for another twenty years. At last came the year 1833. In that year Mr. Charles Grant, now Lord Glenelg, was President of the Board of Control. In proposing the Bill of that year to the House of Commons he stated that the Government had two matters for consideration: one was whether the Company should retain their governing powers; the other, whether they should retain their trading powers. Some thought they should be deprived of both. The Government came to the conclusion that the whole of their trading powers should be abolished by law, that they should cease altogether to be a trading Company, and that not only should their monopoly of the China trade be abolished, but that they should be prohibited by law from trading either with India or with China; but he stated, however, that the Government did not propose to interfere with the governing powers of the Company, subject, of course, to the control of the Executive Government.

Observe the changes which the East India Company had then undergone under the legislation of Parliament. Having originally been only a trading Company—having acquired incidentally governing powers, their governing powers were first placed under the control of a Board of the Executive Government, so that they became only subordinate governors; but they retained their original capacity for trade. In 1833 they were prohibited by law from trading, so that by that time they had lost altogether their original functions as traders, and they retained only a portion of governing power in a subordinate capacity. That was the change which under the legislation of Parliament the character and power of the East India Company underwent. Be it remarked that it was a constant diminution of authority and power, and a perpetual invasion of their functions, under the authority of Parliament. Again in 1833, the sentimental view of the question was altogether overlooked—nothing was heard of the debt of gratitude due to the East India Company, but in consequence of more enlightened views on the subject of freedom of trade which then prevailed, as well as of representations of the mercantile classes, the whole trade of China and India was thrown open. The Company then obtained another lease of twenty years, expiring in 1853. During that time they were the mere ghost, as it were, of the former Company, which was once sovereign, and which once enjoyed the monopoly of great branches of trade; they became a mere governing body of Directors, all their trading power was gone, and the controlling power and the appointment of their principal officers were vested in the Executive. They continued in that inferior position for twenty years under the control of the Government in England, the Ministry sending out instructions, and all the principal authorities of India being appointed, not by the Company as originally, but by Government. Then came the renewal of 1853. There was nothing in the circumstances of that time to call for interference. The twenty years had been tranquil, and the administration had gone on in a manner not to incur the censure of the House or of the Government; in a greatly improved spirit, owing, as I must maintain, in contradiction to the allegations which have been made, to the vigilance of Parliament and to the effective control of the India Board. But even under those favourable circumstances Parliament did not renew the Charter without further invasion of the original constitution of the Company. By the Act of that year one-third of the Court of Directors was formed of nominees of the Crown, so that only two-thirds remained to be elected by the proprietors of India Stock; and there was good reason for this alteration. When the East India Company existed as traders to the East Indies it was reasonable that persons who subscribed their money to the common stock, and advanced their capital to carry on their ventures to the East, should

have a voice in the election of the Directors, exactly upon the same principle as applies to the direction of any other joint-stock company. It is the same principle by which shareholders of railway companies elect a board of Directors, or shareholders of the Bank of England, for example, elect the Directors of the Bank. But what was the position of the proprietors of East India Stock, with reference to the Government of India, after the Company had ceased to be a trading Company? Any person may become an East India proprietor by purchase of stock in the open market, and there is therefore now no necessary connection between the members of the Court of Proprietors and the affairs of India. Originally the Proprietors were persons who had advanced capital for carrying on trade with India; but at present they are only proprietors of so many shares of a guaranteed stock, and the purchase of that stock gives them no more real connection with the affairs of India than the purchase of so much Three per Cent. Stock. The constituency which elect the Board of Directors is an accidental body, and has no real relation with the interests or Government of India. The Board of Directors themselves are the mere spectre and phantom of that body which used to carry on the whole trade with India and China, and the Proprietors are reduced to the condition of mere holders of an ordinary stock. This is the state to which successive legislative changes have brought that body. The fallacy which pervades the petition of the Company is this:—It speaks of the East India Company as one and indivisible—as if from the time of the battle of Plassey down to the last renewal of the Charter it had remained unchanged in character, functions, and influence. The truth is, that it has undergone as important changes during those 100 years as the English constitution between the Heptarchy and the reign of Queen Victoria. It is therefore the most transparent sophism—it is offering an insult to our understanding—to apply arguments founded upon the original and unchanged state of the Company to the Company in its modern and altered form.

The next question which we have to consider is, whether there is anything in the existing state of things which calls upon Parliament to acquiesce in the indefinite continuation of the present constitution of the East India Company? Be it observed, that from 1793—the previous renewals having been generally for shorter periods—the East India Company had been renewed by periods of twenty years. From 1793 its lease lasted till 1813; from that year it was renewed to 1833, and its third lease expired in 1853. But in that year Parliament did not seem inclined to grant a fourth twenty years' lease, and the manner in which the Company's existence was continued was by the prolongation of the Company "until Parliament should otherwise provide." Practically all Acts of Parliament are passed with that condition. The Habeas Corpus Act only lasts until Parliament shall otherwise provide. Therefore, although the Company might seem to be a loser in some respects by not obtaining a definite renewal for twenty years, yet practically by that provision it was renewed in perpetuity unless Parliament should otherwise determine. That is the statutory tenure of the Company, and the question now is, whether Parliament, looking to the existing state of affairs, should not "otherwise provide," and put an end to the present powers of the East India Company.

I entirely subscribe to that which was said by my noble Friend at the head of the Government, in introducing this subject—that there is no ground for imputing any blame to the East India Company with respect to the present insurrection. I do not believe it possible to show that any vigilance on the part of the Directors in London could have guarded against the occurrence of that mutiny, or that when it did occur it would have been possible to suppress it by measures more vigorous or rapid than those which have been taken. I do not in the smallest degree impute blame to the Directors of the East India Company for the existing state of things; but I maintain that the existing state of things has brought forcibly under the view of the Executive Government the clumsiness and inefficiency of the present form of the Home Government of India. It is a maxim in mechanics that nothing is stronger in a body than its weakest part. It is not at moments of calm and prosperity that defects in our institutions are discovered. It is only when the stress comes that we are able to try the strength of the vessel—it is in times of difficulty that we perceive the defects of our institutions, and I cannot conceive how hon. Gentlemen find it hard to comprehend that an institution should escape attention

and be suffered to continue in a defective state at times of peace and quietude, but that the Government charged with the responsibility of affairs having discovered the weakness in the governmental system of India should come forward and ask that it should be strengthened in moments of danger. The East India Company may talk of their independent powers and their own resources, but they cannot regard the Home Government at least as otherwise than created exclusively by Parliament; for let me remind the Company, as regards their Home Government, they are but as the breath of the nostrils of Parliament. They enjoy no power but that which Parliament has conferred upon them, defined and circumscribed by innumerable restrictions and limits. The Home Government of India is a compound body, formed of the supreme controlling power of the India Board and the subordinate agency of the Directors sitting in Leadenhall Street. These two bodies act and react upon each other in a manner defined by Act of Parliament. There is nothing in this compound machine which Parliament may not at any moment remodel; and the whole experience of that system shows that it is embarrassed by needless delays, that it encourages procrastination, divides responsibility, and throws obscurity on the seat of power. It will hardly be disputed that wherever Parliament confers power it always intends to annex to it responsibility; but I affirm that the converse of this proposition also is true, and that if Parliament wishes to exact responsibility it must also concentrate power. Why is it that Parliament has always a difficulty in following up responsibility with respect to Indian administration? It is because the seat of power, and consequently of responsibility, is indistinct. Something is wrong. Parliament asks who are to blame? What does the President of the Board of Control say? He tells you that the matter was brought under the consideration of the Court of Directors; the Court took some time considering it; their views were not distinct, so that the opportunity for action was lost; or a reference was made by them to the Governor General, and the answer was delayed. If you go to the Court of Directors, they will say that the matter was referred to the President of the India Board; they will perhaps declare he did not give a very clear answer, that there was a difference of opinion between them, discussion arose, and in the meantime the opportunity was lost. This is the way in which Parliament is met when it seeks to hold some one responsible for the administration of India. Without any unkindly feeling towards the two hon. Gentlemen (Mr. Mangles and Sir F. Currie) who are Chairman and Vice Chairman of the Board of Directors—my intercourse with whom has been of the most amicable description, and I regret very much that any measure which I should support should be in any way personally displeasing either to the hon. Member for Guildford or to the Vice Chairman, Sir F. Currie—I cannot but think that it would be far more satisfactory to Parliament if they were able distinctly to fix upon an executive authority in this country a clear responsibility for every act of Indian administration. On these grounds I think it desirable that the present system should be abrogated, and that instead of having one authority sitting in Cannon Row and another in Leadenhall Street, the two should be brought together, and a Council for India framed in the manner proposed by my noble Friend (Viscount Palmerston). The hon. Gentleman the Member for Huntingdon (Mr. T. Baring) objects to that plan, and maintains that the Council will not be an independent body, inasmuch as the members will be appointed by the Crown, and therefore cannot be in the same independent position as the present Direction. Let us look more closely at that objection. In the first place, one-third of the Directors are already nominated by the Crown. But the whole Court of Directors is in a perfectly dependent and subordinate position; they have no power whatever of making any remonstrances they may offer effectual. It is not as if they were a co-ordinate power with the Board of Control—like that of the House of Lords with the House of Commons, each of which exercises an authority which acts and re-acts upon the other by an equality of privileges; for, in the case of the East India Company and the Board of Control, the one body is subordinate to the other, and it is an abuse of language to talk of the independent authority of the Court of Directors when it can be completely over-ruled by the action of the Board of Control. It is true that we propose that the members of this Council should be nominated by the Crown. Nevertheless, we impose strict qualifications upon the persons chosen; they will hold their office for a term of years, and during good

behaviour; they must be men of mature judgment, who have been in India, and are of competent fortune—altogether we take measures which will, I believe, secure that the members of the Council shall not be such mere mutes—such humble dependents and followers of the President as the hon. Member supposes. Looking at the character of English gentlemen in such a position, who have generally a strong sense of duty and a strong disposition where they have a clear opinion to express that opinion freely, I do think that the members of the Council, as we propose to constitute it, would give independent advice to the President; and that advice would, moreover, be given by them individually. Instead of being shut up within the walls of the India-house, their proceedings never coming before the public, and never reaching the ears of the President of the Board, they would have access to him singly, they would bring their individual opinions to bear upon him, and I believe that more useful and effective advice would be tendered to the Executive by a Council thus composed than by the so-called independent body as it now exists.

Another argument which is constantly repeated is that the present system acts as a sort of blind to Parliament, and that the confusion of vision which is occasioned by the uncertainty of the seat of responsibility, and by the difficulty which Parliament has in finding it out, makes it dangerous and unsafe for Parliament to interfere. That is an argument which has considerable weight with a large number of people, although I do not expect to hear it stated in distinct terms in this House, because it is not flattering to Members to be told that it is not safe to trust them with such an authority. The hon. Member for Huntingdon (Mr. T. Baring) alluded to that argument when he said that he hoped never to see the day when India would be made the shuttlecock of party. Now I believe that if questions relating to India come to be discussed in earnest and with vigour, we must resign ourselves to the conviction that these questions will occasionally become the shuttlecock of party. It is one of the conditions of our institutions. But let me remind the hon. Gentleman and the indiscreet advocates of the East India Company who urge that topic, that if any great improvements were introduced into the very corrupt and very rapacious government which that Company exercised previous to the year 1784, it was in consequence of factious debates in this House—it was in consequence of the vigilant examination of Committees of this House—it was in consequence of the impeachment of high-handed delinquents who had plundered the provinces of India, that this amelioration was brought about. I am quite aware that power such as this House exercises is liable to be abused; but if I know anything of the character of this House, it is that they understand better than any deliberative Assembly ever did before the limits which bound the useful exercise of their authority. We have seen experiments of constitutional Governments on the Continent in which deliberative Assemblies, dazzled by the possession of a power new to them, have lost their equilibrium and have attempted to do things which it is impossible for a body of men to do with success. It is the character of this House, on the contrary, in the conduct of public affairs, to understand the extent to which its powers can be beneficially exercised. This House, too, has had a lesson with respect to the difficulty of understanding Indian administration within the last eight months. They have seen that men who have grown gray in the conduct of Indian affairs—who are acquainted with the Native languages, and who have an accurate knowledge of the character, the customs, and the religion of the people of India, were completely at fault—were caught sleeping—were unable, even when the events had occurred, to interpret them, or to say what was the true cause of their occurrence. It is my belief that the Members of this House will be so free from presumption and arrogance; I think that they possess such an amount of wise modesty, that, looking to what has lately occurred in India, they will not be in a hurry to seize the reins into their hands, or to snatch the helm from persons who have proved that they can safely be trusted with Indian affairs, and who, by their knowledge and experience, are calculated to exercise a beneficial influence upon the administration of the empire. I am, therefore, far from sharing in the alarms about making India the shuttle-cock of faction. I look with great satisfaction to the prospect of a more stringent and attentive scrutiny of Indian affairs by this House; I wish to see the responsibility for Indian administration concentrated within a

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narrow sphere; I wish to see that responsibility under the clear control of this House, and I do not doubt that the result of the change will be an improvement in the government of India. I do not expect that this House will undertake to pronounce with confidence on difficult questions of Indian policy without due inquiry, and without the advice of judges competent to lead them to a safe conclusion; or that they will hasten to overthrow existing establishments to subvert the customs and prejudices of the Natives, to sweep away their religious institutes, or to violate those wholesome maxims of conservative administration which the East India Company, much to their credit, have hitherto pretty generally observed.

I must apologise to the House for the length of time during which I have trespassed upon them. There is one point, however, upon which I have a few words to say—the question of patronage. It was the rock on which Mr. Fox's India Bill was wrecked, and it has always been considered the great obstacle in the way of Indian improvement. People said, "There is no Government that we can trust with the Indian patronage; it is a means of corruption too dangerous to be confided to any Minister, and we will maintain this anomalous Company in existence because it solves the problem of keeping the patronage of India out of the hands of Government." This is the sort of argument which seems to induce many persons to desire the maintenance of the East India Company. Now, here let me observe that with regard to the whole of the civil service the Bill which I trust will shortly be on our table makes no alteration. By the Act of 1853 the whole of the admissions to the civil service are thrown open to competition, and that most valuable part of the Indian patronage is beyond the reach of either Directoral or Ministerial corruption. With regard to the appointments to the principal offices in India no alteration is made. The Governorships remain untouched. As to the Members of Council, they are at present appointed by the Court of Directors; but the Bill which my noble Friend desires to introduce proposes to transfer those appointments to the Governors of the Presidencies. I have heard some observations as to the danger of making that change; but the choice lay between conferring the appointments on the Crown or giving them to the Governors of the Presidencies. If we had merely proposed to transfer the appointments in India to the Crown it would have been said that we were seeking to make this change simply to increase the power and influence of the Government. That part of the Bill which relates to these appointments is not a vital part of it, and it can hereafter undergo discussion if objected to. There remains the question of the cadetships. They are now in the gift of the Directors. They are by law conferred on the majority of the Court of Directors. The practice, I believe, is to divide them among the individual Directors. My noble Friend proposes to confer them upon the majority of the Council. If the Council should think fit they may distribute them among themselves severally, as is now done by the Directors; but, whatever course they may adopt, there will be no increase of the patronage of the Government; and therefore, looking at the high offices in the civil service, and in the law, and the writerships and the cadetships, being thus disposed of, it cannot be said that the effect of the Bill will be to confer any increase of patronage on the Crown. Before I dismiss the subject, I must be permitted to say that I cannot coincide with the views of those who think that the existing Government of India is to be maintained in a particular form, and that the power of the Directors is to be continued merely for the purpose of distributing the patronage amongst particular classes of the English community. I should wish to see the cadetships, and all other appointments in India, in whosoever gift they may be, distributed to persons the most worthy to receive them, and to exercise their powers in the manner most conducive to the happiness of the Natives of India. I cannot hear without regret the arguments of those who maintain that the patronage of India is the heritage of the people of England—that it is something to be distributed among Englishmen for their own benefit, without reference to the Government of India, and as if the interests and feelings of the Natives of India were to be left wholly out of the question. with regard to the arguments which have been used in reference to the time at which this Bill is brought forward, I cannot persuade myself but that the House, in voting upon this question, will found its opinion on the merits of my noble Friend's proposition —that they will decide by considering the present state of the government of India, and how it may best be improved—

and that they will not allow themselves to be turned aside by the dilatory arguments which have been used by the hon. Member for Huntingdon. He has met this Motion, not by a negative, but by moving that it is not at present expedient to legislate for the Government of India, If he had said, "I maintain that the present form of the government of India is good, and that the present division between the Board of Control and the Board of Directors ought to be coeval with the British Constitution, and is an admirable composition for the home Government of India," I could understand his arguments. But I cannot understand a gentleman coming forward and saying, "Here is a plan proposed by the Government for the abolition of the East India Company, and the transfer of its powers to the Crown; I am not prepared to say that the present system is one which ought to be made permanent, but I ask you to postpone your decision upon the question." Is it possible to conceive a more inconvenient state of things than that which would arise if his Amendment were carried? Here you have a measure of the Government virtually brought before Parliament—because, although the exact clauses may not be presented to the House, nevertheless the statement of my noble Friend has laid clearly before the House all its main features. The friends and advocates of the Company have not the courage to say, "We think that the present form of Government ought to be continued," even for a few years; they will not go the length of saying that it ought to be continued for the shortest period of time, nor express their opinion of its excellence; but they simply say, "This is an inconvenient moment for coming to a decision." Arguments of that sort can lead to no satisfactory result. They do not place the East India Company upon a firm foundation, or remove those apprehensions which the people of this country entertain as to the Government of India, and which will be removed if this Bill should pass into a law. The hon. Gentleman would leave everything relating to that subject in an uncertain and equivocal state; and I cannot persuade myself that it will be possible for him to induce the House to agree to his Amendment, which neither affirms nor denies the desirableness of introducing the Bill proposed by my noble Friend. It is a most unusual course to refuse the Government permission to lay upon the table of the House a Bill embody-

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ing their views upon any of the great questions of the day, particularly when the question is such a one as the present, and to which the Government have necessarily devoted much, and almost continual, attention for several consecutive months. If this Bill had been introduced into the House of Lords instead of the House of Commons, it would have been the privilege of any member of the Government, without asking permission of the House, to lay it upon the table. But that which is done by privilege in the House of Lords can only be done by consent in the House of Commons—a rule which in our more busy assembly may be convenient for the despatch of business—but it would be a most unprecedented exercise of the privileges of this House, if permission were refused to lay upon the table for consideration a Bill upon this important subject. The question which we have now to consider is, not whether we shall assent to the principles of the Bill, but whether permission shall be given to my noble Friend to submit its provisions to the consideration of the House. I cannot but anticipate that the House, discarding all party and political views upon a question in which such vast interests are concerned, will permit this measure, which leaves intact the machinery of the Government of India—to be introduced.

There is one part of my noble Friend's speech which has been misunderstood by the hon. Gentleman. He argued as if the proposition of my noble Friend would make changes in the Government of India. Undoubtedly, if we did not believe that this Bill would improve the government of India, we should not ask the House to permit its introduction; but what my noble Friend stated, and what I believe to be true, is that it makes no alteration in the machinery of the local Government of India. It leaves everything exactly as it is. It alters the name under which the powers are exercised, but it leaves the governors of provinces, their councils, the civil servants, the courts of justice, the financial administration, the collection of revenue, and in fact all the local institutions and regulations, precisely as they now are. That is what my noble Friend meant when he said it would not interfere with the local Government of India. It will consolidate the home Government in this country. That is a change which can be effected very simply and under our immediate inspec-

tion. It endangers no interests in India—on the contrary, it necessarily creates both the appearance and reality of strength; and there is no reason whatever, why, looking at the circumstances in which we are placed, and at the provisions of the Bill, this should not be regarded as an opportune occasion for its introduction.

MR. MANGLES said, he came down to the House without the slightest intention of opening his lips that evening, and when he did speak he intended to have confined himself to that part of the question which had been brought forward by his hon. Friend opposite—namely, whether or not this was the proper time for bringing the question forward. But after the very able speech of his right hon. Friend the Chancellor of the Exchequer, and especially that portion of it in which he spoke so very unequivocally of the early administration of the Company, he could not remain without offering a few words to the House in opposition to the statements the right hon. Gentleman had made. Although they all knew the great historical attainments of his right hon. Friend, and how difficult it must be to attempt to answer him on the spur of the moment, yet there were some of his statements which appeared to him (Mr. Mangles) so glaringly opposed to the facts, that he could not refrain from making some attempt to answer them. In the first place, the right hon. Gentleman expressed some doubts whether India was of any advantage to this country, and whether the trade of India might not not have been as great at this moment if India had remained in the hands of Native Princes; but no one who knew India would express such doubts. Under their rule the whole of the lower Provinces of Bengal would not have been covered with indigo as they were, nor would tea have been cultivated to such a degree as to promise shortly to become an article of large exportation from India. The reason it is not so already was, that the tea was so good that it was bought up in India at prices which could not be obtained here. There were also many other articles of trade and commerce which the interference of the Native Princes would have completely intercepted by their vexatious transit duties and other tedious obstructions. It was, in fact, impossible for any one who understands these matters to believe that the trade of India would be the same if the country had remained under the dominion of the Native Princes. When the right hon. Gentleman affected to doubt whether England derived any direct advantage from the possession of India, he must have forgotton the sum of from £3,000,000 to £5,000,000 which was sent to this country, not as tribute, but as a necessary consequence of the dominion of India. This sum was devoted to the payment of the dividends on East India Stock, to retired allowances to officers of the Civil Service, to the half-pay of the Army, to the Government for the Queen's troops in India, for military stores, &c. This sum of nearly £5,000,000 per annum, although not a tribute, was yet in the nature of a tribute which was poured into the coffers of this country over and above the returns derived from our trade with India. The right hon. Gentleman also denied the statement in the Petition of the Company, that the dominions of India had been acquired by the East India Company. He said that the Company had always been opposed to those conquests which had added province after province to our dominions. Now he (Mr. Mangles) questioned that as an historical fact. No doubt, the Company had always opposed conquests which brought no addition to their revenue, but rather added to the amount of their debts. His right hon. Friend had illustrated his arguments by an example which had quite startled him (Mr. Mangles). The right hon. Gentleman had pointed out how the great conquerors of India—Clive and Warren Hastings—had been treated when they returned to England. He expected that the Chancellor of the Exchequer would have shown that it was the Company, who were said to be so hostile to their acquisitions in India, who had persecuted these governors. But no such thing. It was Parliament, and not the East India Company, that had persecuted Clive and Warren Hastings. The argument was that the Company were inimical to conquest, but certainly it was an historical fact that it was the Parliament of England who drove Clive to suicide by their persecution, and who reduced Hastings to poverty by their protracted impeachment. Nor was it correct to say that the Company had found fault with Lord Wellesley for his conquests, except that the course he pursued had brought him into such pecuniary difficulties that it was almost impossible to carry on the Government. It was on record that during his administration, that during his conquests the Company had been unable to borrow money at Madras, and that the

civil servants of the Company, being nine months in arrear with their salaries, were obliged to send their silver spoons to the bazaar to raise the means of procuring the necessaries of life. His right hon. Friend had also referred to the government of India before Parliament assumed a share in it, and he had challenged the East India Government to show one bright page in their annals prior to the time when the government of India had been placed under Parliamentary control. Now, he (Mr. Mangles) had only his memory to help him, and yet, he thought that the history of India would show that there had been good government before that period, and that many great reforms had been accomplished—reforms no doubt rendered necessary by the abuses and enormities committed. But let the House remember the state of English morality at that time, when the slave trade was flourishing, and when so many political abuses were rampant. Let them recollect the trading justices, the Fleet parsons and their time, to what was done by Clive in 1765. What had been said of Lord Clive when he went out in 1765 to take the government of Bengal? Lord Macaulay described in glowing terms his conduct on that occasion. He said—

"Clive redeemed his pledge. He remained in India about a year and a-half; and in a short time effected one of the most extensive, difficult, and salutary reforms that ever was accomplished by a statesman. He had it in his power to triple his splendid fortune; to connive at abuses, while pretending to put them down; to conciliate the good will of all the English in India by giving up to their rapacity a helpless and timid race, who knew not where lay the island which sent forth their oppressors, and whose complaints had little chance of being heard across 15,000 miles of ocean. . . . . But he had chosen the good part, he called up all the force of his mind for battle far harder than that of Plassey. At first success seemed hopeless, but soon all obstacles began to bend before that iron courage and that reluctant will. The receiving of presents from the Natives was strictly prohibited. The private trade of the servants of the Company was put down."

The noble Lord in another part said—

"From Clive's third visit to India dates the purity of the administration of our Eastern empire. When he landed at Calcutta in 1765, Bengal was regarded as a place to which Englishmen were sent to get rich, by any means, in the shortest possible time. He first made dauntless and unsparing war on that gigantic system of oppression, extortion, and corruption. . . If the reproach of the Company and its servants have been taken away; if in India the yoke of foreign masters, elsewhere the heaviest of all yokes, has been found lighter than that of any Native dynasty, if to that gang of public robbers, which formerly spread terror through the whole plain of Bengal, has succeeded a body of functionaries not more highly distinguished by ability and diligence, than by integrity, disinterestedness, and public spirit; if we now see such men as Munro, Elphinstone, and Metcalfe, after leading victorious armies, after making and deposing Kings, return, proud of their honourable poverty, from a land which once held out to every greedy factor the hope of boundless wealth, the praise is in no small degree due to Clive. His name stands high on the roll of conquerors. But it is found on a better list, in the list of those who have done and suffered much for the happiness of mankind."

Was not that a bright page in the history of India. The same historian says of Hastings:—

"His internal administration with all its blemishes, gives him a title to be considered one of the most remarkable men in our history. He dissolved the double Government—" [*A laugh.*]

Yes, as the noble Lord went on to explain—

"He transferred the direction of affairs to English hands. Out of frightful anarchy he educed at least a rude and imperfect order."

The man who educed order out of anarchy certainly deserved some credit; and yet these were events which took place during the period when the East India Company were acting without any control of Parliament. After the challenge of the right hon. Gentleman, he was anxious to say a few words as to the time which the Government had chosen for the introduction of this measure. They had brought it forward while the mutiny was still raging in Bengal. He was no alarmist. He had never doubted that, under Providence, the mutiny would be put down by our army; but it was not yet put down, and he feared it would not be suppressed so speedily as some persons imagined. The greater part of Oude was still in the hands of the mutineers, and so was Rohilcund; and in such circumstances he contended that the present was a most inopportune time to propose so great a change as this. The change in the home Government could not but react upon India, and he feared that the effect upon the Native mind would be very injurious. There was only one part of the speech of the hon. and learned Member for Devonport (Sir E. Perry) to which he could give his cordial assent, and that was where he spoke with generous warmth of the conduct of Lord Canning, and the misconduct of those who had assailed Lord Canning with abuse for standing forward as the protector and defender of the Native population. His hon. and learned Friend spoke with just warmth of the "truculent conduct" of those who were calling for indiscriminate vengeance in India; but the inference which his hon. and learned Friend drew from the behaviour of these persons was just the reverse of that

which he (Mr. Mangles) had drawn from it. His hon. and learned Friend said the change proposed by the Government would have a most salutary effect in strengthening the position of Lord Canning and putting down the line of conduct against which he had so strongly protested; but his belief was that the effect produced would be precisely the contrary. The very men who had shown this violence towards the Native population, who had denounced every Mahomedan in the country as a traitor to the British Government, and who had reviled the Governor General for his efforts to protect the loyal Natives, were those who had petitioned the Queen and that House to abolish the rule of the East India Company. Now, would not the loyal Natives of India at once see that these two courses had been taken by the same men? Would they not see that they had petitioned for the abolition of the power of the Company, and that an end should be put to the rule of Lord Canning because he had protected them against the violence of his own countrymen? and would they not say, "If these men have been successful in putting down the Company they will be equally successful in keeping us in a state of oppression, and in reducing Bengal to the condition of the slaves in the Southern States of America?" He wished, before sitting down, to say a few words on what he would call, for brevity's sake, the missionary question, though he approached it with diffidence and unwillingness. For those who in this country took an interest in this part of the question, and for the missionaries labouring in India, he had the highest respect. He admitted frankly that the Government of India in former times went much too far in their patronage of the follies, lies, and abominations of the idolatrous practices of India; but, on the other hand, he must say that it would be highly disadvantageous if the line of conduct recommended by many, who disapproved the conduct of the Government, were to be adopted. Their zeal had far outrun their discretion, and if the line of conduct they recommended was to be acted on by the Government the pacification of India would be next to an impossibility, and the result would be nearly as bad, if the people of India were induced to suppose that such a line of conduct would be pursued. He repeated that in former times they went too far in offering salutes to ceremonies and processions, in giving money by Legislative enactment for the support of idols, for prayers offered up by idolatrous priests for rains, and other proceedings of a similar kind; and he had no hesitation in saying that in this respect a great sin had been committed. But the whole course of the Government in that respect had been entirely changed. One by one, and indeed by scores at a time, these undue concessions had been given up. It must not be supposed that all they had granted for those objects could be withdrawn without exciting considerable jealousy and suspicion among the people; but did he on that account say they ought not to be withdrawn? The very contrary. They must bear the consequences of their own misconduct, and he would say, whatever the hazard might be, that those undue concessions ought every one to be withdrawn. They must, however, be careful lest in their determination to withdraw from those concessions to a false religion they did not create the impression that they were about to commence undue aggression upon the religion of the people. [Mr. KINNAIRD: Hear!] His hon. Friend would, he was sure, be the last man to make undue aggressions on any one. In the private communications he had had with him and those with whom he usually acted, he must say that more good sense and moderation he had never met than that which fell from their lips; but when the clergy got this subject into the pulpit and laymen on to the platform, the state of things was very different. In an address to Her Majesty issued by the Church Missionary Society they expressed their hope that the "existing policy will be no longer professed or maintained," and they protested against what they called "the system of neutrality" that had been followed in India. He would not further advert to that point, but would again observe that for many years the policy of the East India Government had been to draw back, not by any means by slow degrees, from those undue concessions that had been made to idolatry. If, however, the change proposed by the Government was to take place while the pulpit and the platform were ringing with demands for a "change of policy," he thought there was reason to fear the consequences that might follow. It was most desirable that a change such as that proposed by the noble Lord should be made, if made at all, at a time when India was tranquil, when the minds of the people were not alienated from each other, and especially when the Native population were

not distracted by the apprehension that their religious opinions were to be strongly and violently interfered with.

Debate *adjourned* till *Monday* next.

GODREVY LIGHTHOUSE.

RETURNS MOVED FOR.

MR. A. SMITH said, he wished to move for a Return of particulars of the Contract accepted for the erection of the Lighthouse on Godrevy Island.

Motion made and Question proposed,

"That there be laid before this House a Return of Particulars of the Contract accepted for the erection of the Lighthouse on Godrevy Island, with the date of the same."

MR. LOWE said, that he could not consent to such a return, and it was not usual to furnish Returns of Contracts which would occasion great expense unless it were shown that such Return was necessary upon public grounds.

MR. A. SMITH said, that all that he wished for was a return as to the amount of the tender and of the debt.

VISCOUNT PALMERSTON said, he would suggest to the hon. Gentleman to withdraw his Motion for the present, and he would perhaps be able to come to an agreement with his (Viscount Palmerston's) right hon. Friend the Vice President of the Board of Trade.

MR. A. SMITH said, he would accede to the suggestion, and withdrew his Motion.

Motion, by leave, *withdrawn.*

HARBOURS OF REFUGE.

COMMITTEE.

MR. BENTINCK moved that the Select Committee upon this subject consist of twenty-two members, instead of twenty, as originally proposed, and that Admiral Duncombe and Sir James Elphinstone should be the two additional members. As the Committee stood there were no members of the nautical profession upon it, and, as the subject was one which involved nautical details, it was very desirable that some member of that profession should serve upon it.

MR. WILSON said, that the Committee had nearly completed their labours, and he apprehended that there would be considerable inconvenience in now introducing new members.

MR. AUGUSTUS SMITH said, he thought that it would be very desirable to have a nautical Member on the Harbour of Refuge Committee at this time, when they were drawing up their report.

MR. GRANT DUFF suggested that it might be at least well to appoint one nautical Member to serve on that Committee. He knew that Sir J. Elphinstone had given this subject his serious attention, and he suggested that the Government might well consent to the nomination of that hon. Member.

MR. CORRY said, he must also complain of the systematic exclusion of naval Members from all committees on nautical questions.

MR. WILSON said that, after what had passed, he should agree to the proposition of the hon. Member opposite.

Motion *agreed to.*

Ordered,—

That the Select Committee do consist of twenty-two Members. Admiral DUNCOMBE and Sir JAMES ELPHINSTONE added to the Committee.

House adjourned at a quarter before One o'clock, till *Monday* next.

HOUSE OF LORDS,

Monday, February 15, 1858.

THE INDIAN MUTINY—PUNISHMENT OF MUTINEERS.

QUESTION.

THE EARL OF ELLENBOROUGH: I wish to ask the noble Earl opposite (Earl Granville) whether the Government here have issued any instructions to the Indian Government with respect to the treatment and punishment of mutineers? I am led particularly to ask the question to-day because I have read in the newspapers this morning a telegraphic despatch from Bombay, signed by the Secretary of the Government, which contains a statement, that on the 13th of January, at a place the name of which, as is usual in these telegraphic despatches, is not to be recognised, Sir Hugh Rose tried and executed 149 mutineers. I will not question the justice of inflicting that punishment on mutineers; I consider mutiny to be, perhaps, the greatest crime which can be committed against the State, because it is that which most injuriously affects the welfare of the people; but I confess I do greatly question the policy of making death the invariable and indiscriminate punishment even of such a crime as mutiny in any country, but more espe-

cially in India. The other day I read in another volume of the Despatches of the Duke of Wellington, with which the present Duke has recently favoured the public —a volume as interesting as any of those which have preceded it—these words, written by the late Duke of Wellington sixty years ago, in reference to the people of India :—

"There is a contempt of death in the Natives, high and low, occasioned by some of the tenets of the religion of both sects, which makes that punishment a joke, and I may say an honour, instead of what it is in our country."

I believe that to be a perfectly correct statement of the general feeling of the people of India. This is certainly the fact, that, in reading the accounts of the execution of many hundreds of the mutineers, there have not been above three or four cases in which the sufferer has evinced the smallest apprehension of death, and has not met it with a degree of firmness which, in a better cause, we should term heroism. While this is the national character of the Natives of India—while the sufferers evince this heroism—instead of preventing the commission of similar offences, you rather add grace and dignity to the cause in which they have so nefariously engaged. I saw the other day in one of the large books recently distributed among your Lordships these words, written by a gentleman (Mr. Money) who has obtained a favourable reputation in India, which I read because they give in good language that which is my own opinion. He is speaking of some executions which he had ordered :—

"One or two executions, I believe, strike terror and do good, but I hope not to have many. I am confident that the daily repetition of such scenes (where the people are against us), only hardens and aggravates."

That is most distinctly the opinion which I entertain. I am quite certain that to familiarise the people with this punishment, by bringing it daily before their eyes, is the least likely mode of deterring from the repetition of the crime ; and when we consider the number of persons implicated in this mutiny—from 90,000 to 100,000—it is quite evident that it is contrary to the feelings of all mankind to inflict the punishment of death uniformly in all cases. No doubt there were many instances in which the commission of the crime was attended with circumstances of peculiar brutality and atrocity, which make it absolutely necessary that death, and death alone, should be the punishment. There are crimes so revolting to humanity that they can alone be met and punished in that manner ; but I am quite confident that, with the view to the prevention of crime, it is necessary to act in the spirit in which General Neill acted at Cawnpore, and to inflict a punishment which shall affect the feelings of all the survivors ; and that punishment I believe to be not death nor merely transportation—to which in some cases it is very inconvenient to resort—but that ignominious punishment of flogging which no man can bear with the same degree of firmness with which he can meet the infliction of death. One is directed to the mind, the other to the body ; and the same man who will meet death with perfect coolness cannot bear—his nature will not permit him to bear—the punishment of a severe flogging. I say then, let these men, when they are taken, be subject to that punishment, and go forth with the stigma and degradation of such a punishment, objects to be observed of all, recipients of a punishment justly due to their crime. I do hope that Her Majesty's Government will take this into their serious consideration. I observe that, with the exception of a few days, since the capture of Delhi there have been four, or five, or six executions every day. It is quite impossible ever to hope to re-establish civil government in that country if the ordinary proceedings of law is to be the infliction of death. It will produce a blood feud between the Natives and ourselves which will make it impracticable to re-establish civil government in that country. I speak with as great abhorrence of the crime of mutiny and all the crimes which have been committed in India as can be entertained by the noble Earl or any one of your Lordships. I know that the punishment of death has been most justly inflicted, that in many cases it has been unavoidable, and that it is right that in many more it should still be inflicted ; but I am confident that the Government must consider the policy of not resorting to that punishment on all occasions, of varying the punishment which is to be inflicted, and of inventing and inflicting a punishment which shall operate on the minds of the Natives, and prevent the crime, by telling upon the feelings of the survivors.

EARL GRANVILLE : My Lords, I am not in a position to give any information as to the circumstances under which the execution referred to by the noble Earl, as having been ordered by Sir Hugh Rose,

took place, as the only information the Government have received is by the telegram, which gives no details. I can give no explanation until full information of the facts of the case has been received. The noble Earl asks whether any instructions have been sent from home as to the exact mode of punishing the mutineers. No instructions have been sent, and it is not usual to send instructions from home to the Government in India on such a subject. At the same time we see that the opinions of the Governor General are in entire accordance with those of Her Majesty's Government, and they would appear, from what he has stated, to agree also with the noble Earl's views. There can be no doubt that mutiny by every nation of the civilized world is deemed one of those crimes which, for the safety of the State, is punishable, and in most cases ought to be punished, by death. There can be no doubt also that, for the considerations so well expressed by the noble Earl, the effect of restoring to so indiscriminate a punishment as the infliction of death in hundreds and thousands of cases would fail to produce the effect—which is so desirable, and which is the object of punishment to produce—on the minds of others, and so prevent the repetition of the crime. No doubt, in all cases it is undesirable to resort to the punishment of death in so promiscuous and indiscriminate a manner as the noble Earl has described; but much more so among those who, although belonging to an effeminate race, have shown the most remarkable coolness—I may almost say of bravado—in meeting death. Such spectacles cannot fail to produce the worst effect upon those who witness these executions, and by enlisting sympathy rather tend to encourage others in the same course. What the noble Earl has said about the infliction of the punishment of flogging is also worthy of consideration. But there is this danger; if the flogging happens not to be very severe, the punishment loses its efficacy; if, on the contrary, it is severe and is applied to a very large number of persons, there is a risk of enlisting the sympathies of the people with the sufferer in the same manner as when the punishment of death is inflicted upon large numbers. There are cases, of course, in which it will be necessary to inflict the punishment of death; but I am inclined to think that when we have to deal with a large number of criminals among such a population as that of India, the punishment of transportation across the seas must be the most effectual. I think that, to an Asiatic, the punishment of transportation and to be loaded with irons would be, in many cases, much more dreaded than the punishment of death. Upon this subject I believe the opinion of the Governor General coincides with the noble Earl's, for I know he has already sent an expedition to the Andaman Islands to see how far the sentence of transportation can be carried out there. The Government have also communicated with the other colonies, to see whether some of them may not be made available for that purpose, and how far it may be desirable to carry out such a plan; and it is very probable that the attention of Parliament will be called to this subject. With the general principles laid down by the noble Earl the Government entirely concur, and they will carefully watch how punishment ought to be applied, and what effect it is likely to produce.

Earl Granville

GENERAL WINDHAM.—EXPLANATION.

THE DUKE OF CAMBRIDGE: After the circumstances which every one knows have taken place at Cawnpore, great doubts and uncertainty have been felt in some quarters as to the real merits of the arrangements taken by the officer in command there. I have been anxiously waiting for some statement from India to clear up these doubts; and, as a statement has come to hand most satisfactory with regard to that officer, I am sure your Lordships will rejoice with me that my gallant friend, Sir Colin Campbell, has exonerated General Windham from all blame. I am afraid, however, that blame is imputed to some other quarter. The case will, no doubt, receive every consideration by the Commander in Chief in India, who will dispose of it with his usual tact and judgment. I have received a letter from Sir Colin Campbell, which, in the handsomest manner, exonerates General Windham from all blame; and I have reason to believe that Sir Colin is likely to recommend him for a higher command than that which he now holds.

BANKRUPTCY COMMISSIONS.

RETURNS MOVED FOR.

LORD BROUGHAM, in rising to move for Returns as to the number of days the Commissioners of Bankruptcy sat last year, the number of adjudications they had

given, and the distances at which they resided from their respective courts, said he hoped the House would not conceive that he intended the least disrespect towards those able and learned persons; but it was not a small matter where the Commissioners lived. Of course no one would object to their living a reasonable distance off—say three or four or even nine or ten miles out in the country; but there were cases, he believed, in which the Commissioners lived at a very great distance. He had heard that a Commissioner, who ruled over a district some 200 or 300 miles distant, persisted in living in London, and defended his practice, as others living forty or fifty miles off did, on the ground that the railway made it easy for them to go from the one place to the other; but the suitors did not think so. They found great inconvenience in the practice, and particularly in this respect, that when the time approached for the Commissioner to set off by the railroad, he would adjourn the court; and then the suitors, who probably had come twenty or thirty miles, were obliged to go home, and come back the next day. This they complained of as a great hardship. There was another objection to the conduct of the Commissioners, on which these Returns would throw some light. It was said that the Commissioners, being anxious to go away for two or three days a week, instead of one or two days a week, would crowd upon the paper, as business for three or four hours, what ought to be business for three or four days. Now, this was a great hardship to the suitors both legal and mercantile, who were kept waiting in the court for hours together, as they never knew when their case would come on, and durst not, therefore, go away. These complaints might, perhaps, be set right by the good sense of the individuals, and, in the hope that it might be so, he had abstained from giving any names, or even affording a clue to discover those who were complained of. He took this opportunity of stating that a great mistake appeared to prevail about the purport of the Bill which he introduced to their Lordships' notice the other day, as if it were intended only as a piece of humanity for the unfortunate debtor. He stated most distinctly that it was for the benefit of the unfortunate creditor that he introduced it. The doctrine which he maintained thirty years ago, and which he maintained still, was, that the creditor was *prima facie* right, and the debtor was *prima facie* wrong; and that, whereas, in all other cases where punishment was inflicted, they were to assume that the party was not guilty till he was proved guilty, it was necessary in the administration of the bankruptcy and insolvent law to act in some degree upon the opposite principle, calling upon the debtor to exculpate himself, and to show that the creditor had no ground of complaint against him in respect of his conduct. The only question was, as to the means by which this might be effected; and he believed these consisted in the transfer of the jurisdiction that was now exercised by the Insolvency Court to the Court of Bankruptcy; because the facts proved that, out of 4,000 persons imprisoned, it used to be for an average of two months — though he believed the period was now reduced to one month—of those 4,000 persons imprisoned seven-tenths were discharged without any inquiry whatever, because their discharges were unopposed; and two-tenths more were discharged, though they were opposed; so that nine-tenths of them ought never to have been imprisoned at all. But the creditors gained nothing by this; for during the imprisonment all the insolvent's property had been secreted or made away with, because the Insolvent Court had not, like the Bankruptcy Court, any power of seizing of property. The grievance to the imprisoned debtor was obvious, but it was not merely a grievance to him; the evidence of the keepers of prisons clearly showed, the insolvents who were sent there associated with the worst characters, and were far from leaving the gaol the same persons they entered it; in fact, the keepers of the gaols did not hesitate to ascribe to this practice a considerable portion of that demoralization which had been lately complained of among the mercantile and trading classes. His belief was, that if these cases were handed over to the Bankruptcy Court, with one addition—namely, beside giving it the power of penal imprisonment which the Insolvent Court had, the presence of some one on the part of the public to increase the stringency of examination. This would be the greatest possible check to fraud which the Legislature could devise, and the law would be placed on a much more satisfactory footing.

THE LORD CHANCELLOR said, the Returns asked for by his learned and noble Friend as to the number of days the Commissioners had sat, and adjudications they had made, had already been ordered on a

Motion of his own, but a repetition of the order would do no harm. With regard to the residences of the Commissioners, he would abstain from making any observations till the facts were before them. He might say, however, with reference to the Commissioners who attended the Court in London, that it was a matter of no moment whatever whether they lived in suburban villas without the town or in the town itself; our social habits of late years had made that almost a necessity, and the distance of a few miles would not be unreasonable. With regard, however, to those who lived at a great distance from their Court he entirely concurred in the observations of his noble and learned Friend, that it was at least a practice calculated to give rise to great suspicions on the part of the suitors, who might be led to think that there was sometimes undue anxiety to conclude an inquiry in order to be in time for the railway. But if it was found that a Commissioner lived in London, having his family there, and had a lodging at the place where his duties were discharged, and was accustomed to remain there for the discharge of those duties during the week, coming to London, perhaps, on Saturday, and returning on Monday, he thought that was a matter with which they could have nothing to do. Everything, however, depended on the state of the facts.

Returns ordered to be laid before the House.

House adjourned at a quarter to Six o'clock, till To-morrow, Half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, February 15, 1858.

MINUTES.] NEW MEMBER SWORN for Paisley—Humphrey Ewing Crum Ewing, esq.

PUBLIC BILLS.—1° Metropolitan Board of Works (Victoria Park Approach); Joint-Stock Banking Companies.

2° Belfast (Town) Improvement; Clerks of Petty Sessions (Ireland).

BELFAST (TOWN) IMPROVEMENT BILL.

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. M'MAHON said, he should move that the Bill be read a second time that day six months. Its object was to enable the Corporation of Belfast to give securities for a large sum of money which they had borrowed beyond their Parliamentary power, and which the ratepayers contended they had wastefully and extravagantly expended. As a middle course he would suggest that the second reading should be postponed for a month, until the ratepayers had had time to meet and consider the matter, and if they should agree to make themselves responsible, the opposition of the Bill could be withdrawn.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. CAIRNS said, that the Bill was identical with one which had been introduced last year and read a second time without a division. There were many matters which required to be investigated, and he trusted that the House would not depart from the ordinary course in such cases, but would allow the Bill to be read a second time and then sent before a Select Committee.

MR. FITZROY said, he was of opinion that this was one of those Bills which it was the practice of the House to refer for investigation to a Select Committee. The House would be departing from its usual practice if it rejected the second reading of the Bill.

MR. M'MAHON said, he would not, after the remarks of the hon. Member, trouble the House with dividing.

Amendment by leave *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed.*

HUDSON'S BAY COMPANY.

EXPLANATION.

MR. LABOUCHERE: I hope, Sir, the House will allow me to take this opportunity of correcting a misconception which has gone forth to the public upon an important point, with respect to the answer which I gave the other day to the hon. and learned Gentleman the Member for Sheffield (Mr. Roebuck) on his putting a question to me with regard to the affairs of the Hudson's Bay Company. I am represented to have stated in answer to that question that it was the intention of Her Majesty's Government forthwith to take into their hands the whole of the territory now administered by the Hudson's Bay Company. What I

The Lord Chancellor

did say was, that it was the intention of Her Majesty's Government to take immediate steps for taking under their control, and constituting as a British colony in the ordinary manner, the Island of Vancouver. I did not state that it was the intention of Her Majesty's Government to take the entire territory governed by the Hudson's Bay Company. With regard to that question, I merely said that if the hon. and learned Gentleman would move for the papers relating to it they would show exactly what steps Her Majesty's Government intended to take. My answer with regard to the Government taking control into their hands immediately was entirely confined to the Island of Vancouver.

MR. ROEBUCK: Sir, I shall advert to that point to-morrow, and I can only regret that the right hon. Gentleman has been misrepresented.

THE PRINCE ALBERT IRON STEAMSHIP.

QUESTION.

MR. HENLEY said, he wished to ask the Vice President of the Board of Trade whether any certificate (under the Merchant Shipping Act, 1854) has been granted by the Board of Trade for the *Prince Albert*, 2,500 tons, iron steamship, that sailed with troops for India in the autumn of last year?

MR. LOWE: Sir, the circumstances of the case were these. This vessel was taken up by the East India Company for the purpose of conveying troops to India. It was surveyed by the surveyors of the East India Company, who approved it as suitable and seaworthy. It was then surveyed by the surveyors of the Board of Trade, who found that it did not comply with some of the provisions of the Merchant Shipping Act. The surveyors did not report against it; indeed, I believe they considered that it was a good first-rate vessel. Under these circumstances the Board of Trade refused to grant a certificate in conformity with the Act, but they said that, inasmuch as the vessel had been taken up for the conveyance of troops to India, and the case was one of emergency, they would offer no objection to its sailing, and it therefore sailed without a certificate.

MR. HENLEY said, he would now give notice of his intention to ask, on the following or some other day, the Chairman of the Board of Directors whether in their advertisement for contracts for ships by public tender, notice was given that vessels would be permitted to sail without the certificate required by the Merchant Shipping Act.

INFANTRY AND CAVALRY BARRACKS.

QUESTION.

VISCOUNT INGESTRE said, he would beg to ask the Under Secretary for War when it is the intention of Government to proceed with the designs for Infantry and Cavalry Barracks selected by the official Committee on Barrack Accommodation for the Army in the years 1855 and 1856, according to the pledge given to the successful candidates?

SIR JOHN RAMSDEN said, that since the Committee had sat on this question, no new barracks had been commenced. When the Army Estimates came before the House, he would have to ask for a sum of money for the erection of small cavalry barracks at Nottingham. If the House should grant that Vote, it was the intention of his noble Friend at the head of the War Department to offer the erection to the gentleman who had obtained the first prize for the design for Cavalry Barracks.

WEIGHTS AND MEASURES.—QUESTION.

MR. CHILD said, he would beg to ask the Secretary of State for the Home Department whether it is the intention of the Government this Session to introduce any Bill to amend the laws relating to Weights and Measures?

THE CHANCELLOR OF THE EXCHEQUER: The question with respect to legislation on Weights and Measures was considered last Session, and I then stated the difficulty which would arise from the introduction of any compulsory law for the purpose of enforcing a uniformity of Weights and Measures. I shall be quite ready to receive any suggestion which the hon. Gentleman may wish to put into my hands; but I cannot at this moment undertake to introduce a Bill on the subject.

OFFICERS OF THE CIVIL SERVICE IN BENGAL.—QUESTION.

MR. PALK said, he would beg to ask the President of the Board of Control whether the Lieutenant Governor of Bengal has made any use of the services of those Officers of the Civil Service who were recalled from their furlough by a Despatch from the Court of Directors to the Governor General of India (No. 116 of

A.D. 1857), who have been respectively re-attached to the Bengal Presidency; whether the Officers have received, or will be entitled to, any remuneration for the expenses of their return before the expiration of the furlough they claimed to be entitled to after ten years' service; and, whether the time occupied in performing the double journey will be permitted to reckon as service?

MR. VERNON SMITH: No report, Sir, has been received, nor is it likely that one will be received from the Lieutenant Governor, as to those Officers in the Civil Service who have been ordered to return by the Board of Directors. An order for a return was given at the same time to military men, in consequence of the disastrous and dangerous state of India. The money required for conveying these officers back to India has been paid, and the time occupied in the journey will be allowed as service.

PROCTORS' COMPENSATION.

QUESTION.

MR. H. FOLEY said, he would beg to ask the Chancellor of the Exchequer what mode he proposed to adopt for ascertaining the incomes of the Proctors and other Officers of the Ecclesiastical Courts entitled to compensation under the Act of last Session, whether by their own returns for Income-tax or otherwise?

THE CHANCELLOR OF THE EXCHEQUER: Sir, the Act to which the hon. Gentleman refers only came into operation on the 11th of January last. Since that date the number of claims actually received amounts to sixty; but it is anticipated that the total number of persons who will make claim to compensation under the Act will not be less than 500. Under these circumstances, it has not been possible for the Treasury to arrive at any decision as to the principle on which the claims will be determined. It will be a matter of considerable delicacy and difficulty, and shall receive from us mature and careful consideration.

GALWAY ELECTION.—QUESTION.

MR. COLLINS said, he wished to ask the Chief Secretary for Ireland whether the Royal Commissioners having reported that "for a long period corrupt practices have prevailed at contested Elections for Members of Parliament for the County of the Town of Galway," it is the intention of the Government to introduce any Bill founded on this Report? He was aware, that since he gave notice of his question the Chairman of the Galway Election Committee had promised to introduce a Bill on the subject.

MR. H. A. HERBERT: The question has been answered by the hon. Gentleman himself.

SEWAGE OF TOWNS.—QUESTION.

MR. ROUPELL said, he would beg to ask the President of the General Board of Health when the Commissioners appointed to inquire into the disposal of the Sewage of Towns, will be prepared to present their Report, and whether it is the intention of Her Majesty's Government to introduce any measure this Session based upon their recommendations?

MR. COWPER: Sir, the Town Sewage Commissioners are engaged in the preparation of their Report. Some portion of it is already in type. Until that Report is presented, I cannot say whether the Government will or will not introduce any measure on the subject.

EDUCATION.—ANSWER TO ADDRESS.

Answer to Address [11th February] *reported*, as followeth:—

"I have received your Address, praying that a Commission may be issued to inquire into the present state of Popular Education in England, and to consider and report what measures, if any, are required for the extension of sound and cheap elementary instruction to all classes of the People.

"And having taken the subject into consideration, I have directed that a Commission shall issue for the purposes which you have requested."

GOVERNMENT OF INDIA.—LEAVE.

ADJOURNED DEBATE. SECOND NIGHT.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [12th February],—

"That leave be given to bring in a Bill for the better Government of India." And which Amendment was, to leave out from the word "That" to the end of the Question, in order to add the words "it is not at present expedient to legislate for the Government of India," instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

MR. ROEBUCK said, that a more important subject than the present had never occupied the attention of Parliament. The noble Lord (Viscount Palmerston) in the speech which he addressed to the House in introducing the subject stated, that the subjects of the Queen in India, for whom that House was about to legislate, amounted to 150,000,000 ; but he would have been more accurate and nearer to the truth if he had said that the number of persons in India under British sway amounted to very nearly 200,000,000 ; and that being the case he thought that he was justified in saying that a more important question than the present had never been the subject of consideration of that House. With respect to the mode in which that dominion had been acquired, it was not his intention to enter into that question ; but he might, perhaps, be allowed to say, that he would challenge opposition, that in making that acquisition England had broken through almost every rule of morality. She had, it was true, exhibited great valour and great intelligence, but not great virtue ; and when an hon. Gentleman on the last night of the debate spoke of the acquisition of that rule as forming one of the brightest pages in the annals of the history of England, he (Mr. Roebuck) could only ask him if he had formed a picture to himself of that which really constituted a bright page in the annals of the history of a country. If the hon. Gentleman meant that British troops in India had shown great valour, that their generals had shown great ability, and that Englishmen had shown in all cases wonderful intelligence in attaining their ends, then he thought that the hon. Gentleman was right in calling the history of the connection of England and India a bright page in British annals. But if he meant to say that England had during that period displayed a regard for the great principles of morality, that she had been in all cases faithful to her engagements, that she had shown herself incapable of receding from her word, then he thought that the hon. Gentleman was stating that which history would not support. He, for his own part, could not consider that a bright page in the annals of England, although in it she displayed great valour and intelligence, without one concomitant virtue. He believed, however, that British rule, obtained even as it had been, might be turned to great benefit for the people of India. If he thought that British dominion in India was to be for the future what it had been during the past—that the people of India would not obtain any more advantage from the improved civilization and the greater morality of the people of England than they had hitherto done—then he should consider that it would be wise and just in us to depart from the shores of India, and leave the Indians to govern themselves. He believed, however, that as the morality and intelligence of the people of England were made to bear upon the English Government in India, the Natives of India would obtain a better system of government than they had ever yet enjoyed. It appeared to him, from a careful perusal of their history, that the people of India were incapable of governing themselves, that they must be held for many years yet in a state of tutelage, and that by bringing to bear upon them greater intelligence and better morality than they themselves possessed great benefits would be extended to them. Such had not been the case hitherto ; but he believed that the first step towards establishing such a state of things was the Bill of the noble Lord.

The present question to be determined was two-fold—first, what was the government best fitted for India, and secondly, whether the present was the right time to establish it. That was a distinction which had been made throughout the debate ; and, although those gentlemen who opposed the Bill by pressing the latter appeared to give up the former part of the argument, he thought that upon an occasion like the present, when it was most desirable to obtain the expression of the feelings and of the intelligence of the people of England, it became the Members of that House to go through the whole of the argument.

Now, preparatory to the argument which he intended to adduce he wished to make one or two observations upon the state of India at present. India, it was to be remembered, was not a colony but a conquest. A colony he conceived to be a body of men sent out from a mother country, who, settling in some distant place, took with them there the manners, the language, and the institutions of the mother country ; and with regard to the British Colonies, the best mode of governing them was to allow them to govern themselves. Nearly a quarter of century, he was sorry to say, had elapsed since he had first denounced in that House interference in the affairs of our

Colonies ; and he recollected that his suggestions were received with strong indignation, and that very principle which at present was the main principle upon which the Colonies of England were governed,—namely, to allow them to govern themselves,—was received with a howl of disapprobation. India, however, as he had said, was not a colony but a conquest, and she could not be treated upon similar principles. Our Colonies had been planted in lands almost uncultivated and containing comparatively few inhabitants. But India was peopled to its uttermost ; the people had reached a high state of civilization—a civilization indeed very different from ours ; but still in a certain sense they were a highly cultivated people. They were, however, quite unable to govern themselves ; and therefore it behoved us, if they retained dominion in India, to give to that people a government capable of maintaining order, and one which would conduce to their welfare and happiness. India was a conquest and not a colony, and for the purpose of governing India we must have recourse to different principles from those which we had hitherto acted upon in the government of our Colonies. It was said that in the case of our Colonies we had, from our own incapacity, been compelled to leave them to govern themselves, and that therefore we had shown ourselves unfit to govern India. But the two cases, as he had said, were different, India being a conquest and not a colony. Parliament, acting upon the teaching of experience, finding that the people in the Colonies could govern themselves better than we could govern them at this distance, had taken a wise course, and allowed the Colonies to govern themselves. But with regard to India he believed that a government established in England would govern the people of India better than they could govern themselves ; and therefore he said that we must have recourse to different principles than those which governed our treatment of our Colonies, in our dealing with India. With regard to the government of India, we had the three celebrated courses spoken of by Sir Robert Peel—we might either retain the present government, or place a new government in the hands of the East India Company, or adopt the Bill of the noble Lord.

As regarded the present state of things in India the history of that state of things was very remarkable. When George III. came to the throne he was, as he thought, out of his mind, and there was one feeling which pursued him through life, and which he carried out with all the cunning of insanity. He believed himself to be in danger of being treated like certain of the Merovingian kings, and he expected to be some day shaved and sent to a convent. And he entertained on that account feelings of great alarm towards the great body of the aristocracy of the country, and the great object of his life, and one which he pursued with undeviating pertinacity, was to break down the power of the great families of the kingdom. The climax arrived when Mr. Fox himself, representing the aristocratic body, brought in his Indian Bill. That Indian Bill was, as regarded the then knowledge of the people of England, a wise measure. But the king persuaded the people—who were pretty nearly as insane as their Sovereign—that there was great danger in Mr. Fox's Bill, because the power over India was to be conferred on the British Parliament. A cry was raised against that measure. It had been his own fortune, since he had been an observer of party politics, to hear a cry raised about as unwise as that to which he was referring, and also to see that cry go down. Mr. Fox, however, did not live to see the people of England come to their senses as we had done. This was the first great symptom of returning sanity on their part in regard to India. Mr. Pitt, taking advantage of the cry in England, palmed upon the people, through the Parliament, a great "sham." He told the Directors that he was exceedingly anxious to maintain their power, and he brought in a Bill which received the approbation of the then representatives of the East India Company. They showed their wisdom by so doing, for they thereby lost their whole power over India! That was the consequence of having "Old Indians" to govern India. Mr. Pitt cajoled them and instituted the Board of Control. And what had been the result? The Board of Control from that time to this had been the irresponsible governor of India. "A board," said Jeremy Bentham, "is a screen!" And so the Board of Directors had proved. The Chancellor of the Exchequer last Friday evening explained to them with a good deal of humour—which, coming from him, told—that the Court of Directors, as compared with the Board of Control, were nearly powerless. And it was quite clear that the real authority

rested with the President of that Board, and that the only use of the Court of Directors was to take from the President of the Board of Control all the trouble of his office, and to leave him all the power. The Directors were used as a screen for him whenever any difficulty occurred. The burden was thrown upon the shoulders of the Court of Directors, who in turn threw it back, shuttle-cock fashion, to the Board of Control; while the public, with eyes open and mouths agape, stood bewildered, not knowing whom to blame. That was a true picture of the present home Government for India. The question was, should Parliament allow this state of things to continue?

It was necessary to draw a distinction. They had two things to do in the arrangement of the government of India. First, they had to arrange the machinery which should bring to bear upon the actual governors of India the opinion of the Parliament and people of England, and their responsibility to that opinion. This was what was called the home Government. They had also to constitute the Government in India which should carry out their plans when they had been duly matured in England. For the first operation, they did not require any knowledge of the people of India. All that was requisite was a knowledge of the general principles of human nature. They wanted to bring to bear on their officials in India a responsibility towards the people of England; and if they accomplished that they would do sufficient for the good government of India as far as the home Government was concerned. By the double Government, however, under which it was hardly possible to know who was answerable for any act performed by the home Government of India, they had done their utmost to destroy all responsibility and all efficiency in that Government. The responsibility was spread until it was so weakened that no one knew who was responsible. They were bound, then, to get rid of such a state of things, as regarded the Home Government, as soon as possible. The question next arose, ought they to go back to the East India Company? True, that Company were very much in the habit of praising themselves, and when nobody else would praise one it was as well to praise oneself. But, looking to the career of that body until the Parliament of England interfered to restrain it, was ever a worse or more rapacious Government than that of the East India Company known in the history of the world? Hon. Gentlemen might refer on this matter to the pages of a great defender of the Company—Lord Macaulay—in whose *Life of Clive* they would find that the whole object of their Government was money!—money to the Directors in the shape of dividend—money to their servants in the shape of large fortunes; and that they had crushed and trampled upon the unhappy people of Hindostan as if they had been dirt beneath their feet, except that they were dirt out of which they could dig gold. Therefore, judging them by their past history, the Court of Directors were not fit persons to be trusted with the future government of India. But the Directors were a representative body—they represented the Court of Proprietors. On what principle were they elected? The Court of Proprietors consisted of persons who possessed East India Stock, and in a certain proportion to the amount of stock which they individually held was the number of their votes. He might appeal to the House of Commons and ask, what would they think of such a government for themselves? They took a fraction of the people of England and erected a sort of aristocracy among them, giving a man a double vote because he had a double number of shares! If the noble Lord at the head of Her Majesty's Government, in his promised measure of Parliamentary Reform, were to propose anything of that kind for the people of England, he would soon be swept from place, and every one of his supporters with him. Then, what was good for England in this matter was good for India; and the very principle which rendered the Court of Directors a totally unfit body to govern England rendered them equally unfit to govern India. Then came the Bill of the noble Lord, which contained among its provisions one of infinite importance. It did away with the Government of India as at present constituted, putting in its place a Secretary of State and a Council of eight. The great mistake of the measure was the Council. The very principle which made the present Government mischievous—namely, divided responsibility—told against this Council. Moreover, the noble Lord said that the Council would be composed of "Old Indians," That circumstance greatly strengthened his objection to it; because in England at the present moment were to be found men far more capable of goveru-

ing India than any "Old Indian" whatever. ["No!"] No! He wanted to know, then, to whom the Company had intrusted the concoction of their own petition? Was there not among them one of the most remarkable minds of the present day? [Mr. John Stuart Mill it is supposed.] Did he not lend his valuable aid in concocting that petition, which, marked though it was by many fallacies, still exhibited great mental power? The author of that document was, he believed, far more capable of governing India than all the "Old Indians" put together. Therefore, as far as the concentration of responsibility upon a Secretary of State went, he entirely agreed with the noble Lord; and he entreated him to consider whether great mischief might not arise from the divided responsibility that must flow from the creation of this Council. He knew the Councillors would not vote. Still they would share the responsibility. He would be bound to say, that if he lived long enough to see a Secretary of State for India appointed, he would hear him declare at the table of that House that he had done his best, and that he was quite of the same opinion as the Council. The Council would not have seats in that House—it would not be under their control. The Secretary of State might be, but it would be too late; he would exculpate himself by the opinion of his Council, and the House would be bound to believe that being composed of "Old Indians" they knew something of India. That was a very dangerous principle—dangerous both as regarded the government of India and as regarded the people of England.

And were they to be frightened by the bugbear of patronage? He was ashamed to think that such an argument should be used on such a subject. Could it be supposed that the House of Commons would be diverted from its duty—that it would be turned against the people of England by the appointment of a few cadets? Was it not marvellous that sane men, grown men, men with beards, should seriously retail the things which the House had heard last Friday? The civil appointments were to be distributed by competitive examination; and the only patronage to be retained would be the appointment of the cadets. Could not the Bill provide for these things? Why should they not apply the same principle to the selection of the military cadets as to the selection of the civil servants? If public competition were good for the writers, who were the real governors of India, was it not good also for the cadets, who were the soldiers and defenders of India? Suppose that for 500 cadetships there were 1,000 or 2,000 candidates, would not the examiners select those who were most fit to go out to India; and would not this most effectually do away with all patronage? The same result would not be accomplished by resting the patronage in these eight members of the Council. The Councillors would be powerful men on account of their power and authority in India; and if so much power was attributed to that patronage that it would destroy the efficiency of the House of Commons, if given to them, what would it do if concentrated in eight hands? According to the theory these eight men would govern England. He would never believe that any such thing would occur; but he was decidedly of opinion that the best way to deal with this patronage was to throw it open to public competition. The best home Government for India would be a Secretary of State, who should choose his own advisers, and in whom all responsibility should centre. Such a Secretary of State would be selected by the Prime Minister, who was practically chosen by that House, which was elected by the people: the Prime Minister was the expression of the popular will; the Prime Minister would select the Secretary of State; and, therefore, in the last resort the Secretary of State for India would be appointed by the people of this country. Now, if there was any virtue in representative Government that was just the thing for which it was useful; not that the people should govern themselves, but that they should choose their governors; not that they should do the duties of the office of Prime Minister, but that they should choose a man who could do that duty, and should force him to do it. Such a man would be responsible to that House, and would in the most effective manner bring to bear upon the Government of India the feelings and wishes of the people of England. If they arranged for this they would have done their best to form a good home Government.

The second ground upon which hon. Gentlemen had opposed this Bill was that it might be a good measure, but that this was not the proper time for it. That was the procrastinating argument. The hon. Member for Guildford (Mr. Mangles), said that there had been a great mutiny in India

which was not yet put down, and therefore no change ought to be made. Why, that was the very reason for the change. The present state of things in India demanded an efficient Government, and therefore if the proposed scheme of Government would be better than the existing one let it be at once adopted. If a Secretary of State would be a more efficient home Government the very fact of the outbreak rendered such an appointment necessary. But it was said that the Company's Government in India had always favoured the Hindoos; that the Hindoos had faith in the Company, and that the very parties who sought for a change of Government were desirous of proselytizing and Christianizing India. He had been quite startled to hear the statement that the people of Hindostan had confidence in the Government of the Company, because the Company had always opposed the extension of privileges to the Hindoos, and had particularly opposed making them participators in the government of their own country. Everything which had been granted to the Hindoos had been granted in consequence of Parliamentary interference, and every change for the better which had been made in their government had been the result of Parliamentary interposition. The East India Company strove to maintain their monopoly of trade, and did their utmost to deprive the Hindoo and the half-caste of the smallest participation in the Government, and it was only through this interposition of Parliament that they had succeeded in obtaining the slightest share. He maintained that the crisis at which the affairs in India had arrived did not interfere with their calmness or judgment. A calmer House than that could not be found. There was no excitement; there was no cry. The East India Company had presented a petition; it had received the support of some hon. Members, and had been gravely debated. They were perfectly calm and collected about the matter; why, then, should they not decide upon it at once? He begged and entreated hon. Members not to shrink from their duty, not to be frightened by any cry of this sort, not to allow the foot of England to be placed upon the neck of India to crush her down with a despot's heel, when they had it in their power to spread peace, to spread good government, to spread happiness from the Himalayas to Cape Comorin.

MR. GRANT DUFF said, he would not have ventured to rise in that great debate, and to ask the indulgence which the House was in the habit of granting to those who addressed it for the first time, if he had not hoped that his close connection with more than one of those administrators who had won for us our empire in the East might be taken to some extent as an excuse for his doing so. The supporters of the existing Government of India had this advantage, that while the supporters of the Bill could appeal only to reason, they could enlist the feelings of their auditors, and support their cause by all the artillery of rhetoric. Such had not always been the case. There was a time when in the neighbouring hall the eloquence of many of the ablest orators whom this country ever produced found "ample scope and verge enough" in portraying the miseries of India and the cruelty of its rulers. But, at the same time, it was just to admit that since that time the Government of that country had been modified by the increasing action of public opinion, and had every day become "more benevolent in intention and more beneficent in act." To judge from the articles in those able daily and weekly journals which supported the Company, any one would suppose that they were assembled on an occasion almost as momentous as that of the last meeting of the ancient Legislature of Scotland, held in October, 1706; that to the hon. Member for Huntingdon (Sir T. Baring) belonged the merit of the patriotic Lord Belhaven, while the noble Lord at the head of the Government represented that Chancellor who at the close of the last meeting of this ancient historical assembly, said, "There is the end of an old song." Now, what was the fact? The Company, which so many affected to deplore, had for many years in reality ceased to exist, and the House was now recommended to do the last of a long series of Acts which had been gradually modifying and altering the relations of England and India. It appeared to him that the object of the Bill was simply, as it were, to alter the driving-engine which at home set at work the mighty and complicated machine of Indian Government. That machine would remain almost unchanged, and it was only necessary to consider the character of the driving-engine. Was it so good that it was impossible to effect any improvement in it? At present the Government of India consisted of three parts. First, there was the Court of Proprietors, which consisted of two parts, the great majority of whom attended simply for the purpose of assent-

ing to the views of the Directors, whilst the minority attended for the express purpose of thwarting all the views of the Directors, and seemed always ready to take under their protection everything that was wild and chimerical. The second part of the great engine was the Court of Directors. The hon. and learned Member for Sheffield (Mr. Roebuck) had spoken not very respectfully of the "Old Indians," when contrasting them with Mr. John Stuart Mill. Now, he (Mr. Grant Duff) entertained the greatest respect for the "Old Indians" who sat at the Board. If they had not extraordinary talent they had at least great experience. The hon. Member for Sheffield had blamed them for not possessing the abilities of Mr. John Stuart Mill; but if so high a standard was to be applied, how many of the best known public men in Europe would be found wanting! There was another portion of the Court which he never could well understand. It was well known that there were men amongst the Directors who were no more peculiarly capable of governing India than the Aulic Council of Austria was of directing armies in the field. They were the representatives of the moneyed interests of London, gentlemen of talent and respectability, but who had no peculiar gifts or graces for the administration of India. The third portion of the driving-engine was the Board of Control—a Board which stood self-condemned by this Bill. What then was the object of his Bill? The object was to substitute for this complicated system a reasonable system, such as any sensible man would have thought right for the Government of India if his hands had not been tied by a regard for vested interests. Not that he agreed with every portion of the Bill: on the contrary, in spite of its ominous name, he should have preferred a Council of Ten to a Council of Eight, and a Council of Twelve to either. He entirely agreed with Mr. Roebuck in thinking, also, that some advantage ought to be taken of this excellent opportunity for extending the system of appointments by competitive examination. He doubted, also, whether the system of having the Presidential Councils nominated by the governors would be found to work satisfactorily. But these were all matters of detail. They did not touch the question, which was, whether they should or should not consent to the introduction of this measure; and upon that he, for one, was prepared to vote in the affirmative. There was but one argument against it, and that was, that this was not the time. That was the well-known Parthian arrow; it was the weakest of all arguments, the last argument of a failing cause. Why was it not the time? There never was a time when the attention of England was so called to Indian affairs as the present. But he was told the people of India were not ripe for it. Why, if they attempted to make a change when there was tranquillity in India, they would be immediately met by the old maxim, "*Quieta non movere.*" They would be asked, "Why move when things were going on well?" There was now in India a fermentation in men's minds, like that which they were told by historians preceded the Christian era. The safest and wisest course was to make this change. But some people said, "Do not do so, because there is a strong feeling in the Natives; they do not wish to be placed under the Crown." Now, there were occasions when the worst kind of policy was a timid policy. God forbid that he should advocate anything like interference with the religious feelings of the Natives, or any harsh or violent courses. All that he meant was, that if we were thoroughly convinced that a change was desirable, we should carry it with a high hand. And here he could not help relating the advice given to a relative of his by a Mahratta statesman. "If you want to rule the people of India, you must twist your left hand in their hair, and hold a club with your right." At the commencement of his remarks, he had referred to the debates which took place about the Union Treaty. It was strange to look back at them now, to compare the speech of Belhaven, which gained him so much honour, with the light words of Seafield which gained him so much odium. How right Seafield had been; how wrong Belhaven! The hon. Member for Pontefract (Mr. M. Milnes) echoed, he well knew, the opinion of many of the cultivated men of London society, when he spoke in terms of warm admiration of the concluding remarks in the speech of the hon. Member for Huntingdon. Nevertheless he (Mr. Grant Duff) was persuaded that the day would come, and come ere long, when the hon. Member would be remembered as the Belhaven of this debate. Our children, if not ourselves, would give up asking what the old Company did, and what the half-reformed Company did, and what the new Government did. Attention would be fixed on the one great continuous phenomenon of British ascendancy in the

East. The next generation would cease to inquire what board or what council was served by our great Pro-consuls and their great Lieutenants, by Hastings, Bentinck, Elphinstone, or Frere. Men would only remember that they had worked for England. The modifications and remodifications of the Indian Government which had been going on for the last 100 years, and had created such fierce party strifes, would then appear only as stones set up to mark the way along the line of march of the great designs of Providence which were matured—

"When the fiat had gone forth, that the Orient was to be
Slave of a northern mistress—the island of the free."

MR. WHITESIDE: I subscribe to the opinion expressed by the hon. and learned Member for Sheffield, that this is one of the most important questions ever submitted to the deliberation of Parliament. In approaching its discussion the mind insensibly reverts to those glorious days of the Parliament of England when the greatest ability, the profoundest knowledge and the clearest judgment were applied to discover the best form of government for India, while at the same time the foremost of Parliamentary orators disputed for power and fame. A hurricane of destruction has swept over Hindostan. It was, therefore, natural for the noble Lord at the head of the Government to draw the attention of Parliament to the affairs of India. It was natural that the country should expect him to explain his policy—if he had a policy—and to call upon the House of Commons to make every effort which energetic men could make to put down the revolt and re-establish the supremacy of England. The noble Lord has introduced a Bill and delivered a speech explanatory of its provisions. I heard that speech; I have read it over twice since I heard it; and I can assure the House that at this moment my difficulty is to find out what exactly is the principle of the speech, although I think I understand the principle of the Bill. When the noble Lord proposed to overthrow an existing establishment, what might one have reasonably expected to hear from his lips? That those who conducted that establishment were indolent, apathetic, incompetent, or corrupt; that some wise measures were submitted by him for their consideration and were rejected; that deserting their duty to their country they had refused to adopt the most vigorous means for the extinction of the mutiny; and, above all, that there was a reasonable certainty that, however vast are the evils of India, this Bill would remedy not all, but some of those evils, quench the flames of a raging rebellion, and give peace to unhappy and afflicted India. I appeal to the House to know what the noble Lord has said worthy of the subject, or worthy of his high position. The noble Lord spoke, as he always does, most kindly. He began with a compliment to the Company which he intends to destroy. He said they were excellent gentlemen, honourable gentlemen,—useful members of society, and indefatigable in the performance of their duties. He concluded in the same strain. All that I gleaned from him at first was, that it is a surprising thing to find we have this empire in India. To which I answer, "It is very surprising." [*A laugh.*] He said that he thinks the Government or the Ministers of this country never would have suffered a body of merchants to acquire such an empire; and I agree with the noble Lord that they never would, because they never could have gained it themselves. The noble Lord then proceeded to inform the House that nobody was responsible for the government of India, and his statement has been inadvertently repeated by the hon. and learned Member for Sheffield. Inadvertently, I say, because I am sure that a Gentleman of his clear mind and correct habits of investigation and thought would never have repeated such a statement if he had enjoyed an opportunity of considering the subject. But under what circumstances does this question come before the House? You have been told that in 1833 an eminent Whig, now a noble Lord, a man of great ability, propounded the question of the renewal of the charter in a speech of deep learning and remarkable eloquence, and that he, speaking the sense of the great party whose representative he was, convinced the Parliament of that day that the charter of the East India Company ought to be renewed. It was renewed for twenty years only. What course was taken on the approach of the termination of that period? Committees were appointed by both Houses; the subject was fully investigated; and three ponderous blue-books contain the evidence that was taken to guide the judgment of Parliament in deciding whether or not the charter of the Company should be renewed

for a further period. What is the report of the Committee of each House? They state that, though they were unable to consider six, seven, or eight great heads of inquiry, they were able to consider one—namely, the political operation of the Act of William IV., as to the management of the East Indies by the East India Company as trustees for the Crown. The verdict of the Committee of the Lords is favourable to that Company, and so likewise is the verdict of the Commons. Nowhere is blame imputed to their management, no act of impropriety is brought to their charge, no act of malversation or corruption is alleged against them. There has been no inquiry since; and now, without inquiry, without any further investigation, the noble Lord proposes to overthrow the East India Company, simply because it exists. The right hon. Baronet (whom I do not now see in his place) the First Lord of the Admiralty, as the organ of the Ministry, explained to this House, in 1853, the reasons why the charter should be renewed. I heard that speech, and I have taken the opportunity of considering it since. Let any impartial man compare that speech with the recent oration of the First Minister of the Crown, and then say which of the two exhibits more respect towards Parliament, and contains more matter or the greater body of facts; though I admit that the noble Lord has this advantage—that he has said nothing in the most agreeable manner. Consider the way in which the right hon. Baronet brought the matter before the House. He said that there were the Reports of two Committees in his favour, but that was not enough to serve the judgment of the House, and I agree with him; and he then, from the access he had to the records of the Company, and from materials supplied by those who had competent knowledge of the subjects, established upon seven or eight great heads, such as revenue, trade, justice, police, &c., the facts, which nobody has been able to controvert, of the successful management of the affairs of India by the East India Company for the last twenty years. He proceeded to discuss the interests of humanity, and showed how infanticide had been put down, how the suttee system had been abolished, and, above all, how slavery, under the influence and authority of the East India Company, had been almost entirely destroyed. The right hon. Baronet, at that period, established those facts, with the full assent of the noble Lord, who sat beside him, who heard and applauded every word he spoke, and in doing so he was also accompanied by the hearty cheers of the Secretary to the Treasury, who the other night cheered as heartily the noble Lord when contradicting every opinion of the right hon. Baronet; and was also supported by an eloquent speech from the right hon. Member for Kidderminster, who on that occasion was determined to brook no delay in re-establishing the government of the Company, and in making it, as he said, strong, powerful, and respected. Why, it behoves the great party who commit their fortunes to such leadership to ask, whether it is possible for men to bring forward solemnly before the House great questions, to advocate them on great principles, to insist on facts, arguments, and opinions, and then in a few short years, without a solitary justificatory fact, to change the opinions they held, to unsay what they said, and with great composure to call on the House to undo what it has done. In drawing the attention of the noble Lord at the head of the Government to the satisfactory refutation given to his fallacies by the right hon. Baronet the First Lord of the Admiralty, I may have the happiness of making the noble Lord an illustrious convert; and certainly nothing would give me greater satisfaction than to convince the noble Lord that his colleague was right, and that he himself was wrong. But on the more important question of the merits of this discussion, I beseech the House to consider the justice of the arguments put forward, and the main point urged by the noble Lord, repeated by the hon. Member for Sheffield in his ingenious speech, and also by the Chancellor of the Exchequer. Did they know the facts in 1853; did they understand the question of the responsibility of Ministers to Parliament? Did they understand the difficulty of governing India, and estimate the importance of ruling 160,000,000 men? Were they conscious of the important duty they undertook to discharge; and did those eminent Whigs, according to the light in them, press on Parliament to adopt their opinions, and, in so doing, were they successful because they were right or wrong? I maintain that they were successful because they were right. Well, let us see what the right hon. Baronet the First Lord of the Admiralty said in 1853, in discussing one or two of the points submitted to the consideration of the House in this

debate. I admit that the noble Lord at the head of the Government most delicately and judiciously said, wishing to kill the East India Company without giving them much pain, that he had no charge to bring against the Company. That was a very judicious observation, for he knows that his colleague made the same observation twenty times over in 1853. The right hon. Baronet, President of the Board of Control in 1853, after touching on some of the great questions affecting India, said:—

"When I read these things, I am at a loss to account for the assertion so recklessly made even by some who, from their acquaintance with the country, I should have thought had been in possession of better information on the subject, that we are disgracefully neglecting our duty in India."

The right hon. Baronet then proceeded to make this very candid admission:—

"I fully admit that it does not follow, therefore, that because all these improvements have taken place, that the Government of India either ever was or is the best that can be devised; but I say this—that if we are to testt he Government by the results of that administration in the condition of India, there is no ground whereupon to condemn it as being negligent and inefficient."—[3 *Hansard*, cxxvii. 1134.

To that statement he pledged the whole character of the Administration. Now, I trust I shall be pardoned by those Gentlemen who are familiar with this subject, if I state, according to the speech of the right hon. Baronet, the character and tone of which speech I admire, the mode in which he describes the business of the Company to have been discharged, in reference, always be it observed, to the question of Ministerial responsibility:—

"The home business of the Government of India may be divided into two distinct parts. One comprises the political relations of the Government of India with other States, and questions of peace and war. These questions are decided, not by the Court of Directors, but by the Government of this country, and their orders are sent through the Secret Committee of the India House, and for these decisions, not the Court of Directors, but the Government of this country is entirely and altogether responsible. Upon that point, therefore, there can be no question as to divided responsibility, or anything of the kind."—[*Ibid.* 1137.]

The hon. and learned Member for Sheffield has said that there is a difficulty in finding where the responsibility lies, but the right hon. Baronet declared there could be no question on that point. The right hon. Baronet then proceeded as follows:—

"The Secret Committee merely acts as an organ to convey to India the directions sent from the Board of Control; and the President of the Board of Control is, in that respect, only the organ of the general Government. A good deal of unnecessary importance appears to me to have been attached to a declaration made by Lord Broughton that he alone was responsible for giving an order to the Indian Government as to crossing the Indus by the army for the Affghan war. But that order must have been signed not by Lord Broughton alone, but by two Cabinet Ministers, and he was no more responsible for the order than the Secretary of State at the time for the ordering and directing the Duke of Wellington to cross the Pyrenees. The act is not the act of the President of the Board of Control alone. It must be in pursuance of the determination of the Government. There is no mistake, no concealment about the matter, and it is nonsense to talk of the irresponsible power of the President of the Board of Control, because the Government of this country is responsible for war in India as it is responsible for war in Europe, Africa, or America."—[*Ibid.*]

There is the sound doctrine laid down by the then President of the Board of Control, speaking for the whole Administration, and therefore it will be surprising to find any hon. Gentleman on the Treasury bench standing up and taking advantage of the absurd cry of divided responsibility. The right hon. Baronet proceeded. What, then, are the functions of the Directors?

"Every despatch is addressed to them, all questions are considered by them, and, in the first instance, they have the initiative on every question. Grants of money cannot originate in any way with the Board of Control, and in the exercise of patronage, except in some of the higher appointments, they are entirely uncontrolled. In the greater part of their business, however, they are liable to the check and supervision of the Board of Control."

He then describes how the despatches are framed, and adds—

"It is only just to the Directors that I should say, as far as my experience goes, I have reason to know that the most careful attention has been given to them by every important despatch. It is quite true that the President of the Board of Control has the power of overruling, in the last resort, the Court of Directors. I therefore fully admit that I am responsible to this House for any acts in the Administration of India, just as the Secretary of State for the Colonies is responsible for the acts of the Administration connected with his department."—[*Ibid.*]

The right hon. Baronet first speaks of the responsibility of the Minister in matters of peace and war. He then speaks of his responsibility with reference to the internal administration of India; and he says that there is not in substance, though there may be in form, any difference between himself and an ordinary Secretary of State. The simple state of the matter, he adds, is, that the President of the Board of Control is responsible to Parliament for the Government of India. The right hon. Baronet next referred to the

mode in which despatches are dealt with. The House has heard the serious argument of the noble Lord the First Minister of the Crown on the subject. The noble Lord stated that despatches were carried about London in cabs for days together—at least, so I understood him; and then he asked the House to conceive the inconveniences of a system under which ten Directors sit at the east end of London, and ten at the west end, constant differences of opinion occurring among these gentlemen. The noble Lord spoke of the Directors as he might, perhaps, be entitled to speak of the Cabinet in which he sits; but he forgot that the Directors are men of conscience, of business. and of sense, and it does not appear that they differ and squabble when they meet, and that they transact no business before they separate. The noble Lord, having given that description, and adduced so happy an illustration, he will allow me to tell him, in the language of one of his most eminent colleagues, how despatches are really dealt with by the Board of Directors, and I am sure he will take an early opportunity of withdrawing the statement which he inadvertently made to the House, or that he will direct some of his officials to do so—

"Before any despatches are sanctioned by the Board of Control they must have been carefully sifted and investigated by a body of independent gentlemen, many of them immediately acquainted with the people of India, and most zealous and unremitting in the transaction of business, and so there is greater security for the good government of India than of our Colonial possessions"—[*Ibid.* 1139.]

Yet we have a leading Member of the Cabinet bringing in a Bill to destroy this system, which, we are told on such high authority, secures to India a better Government than is enjoyed by any of our colonial possessions. What will the President of the Board of Control, as a man of candour, say to these statements which I find recorded in the sacred pages of *Hansard*. In the first place, are these statements true? No one can doubt that the right hon. Baronet spoke the truth, that he instituted inquiries before making such statements, and that he prepared his speech carefully and elaborately; and I must beg again to express my gratitude to him for the manliness and candour with which he avowed his sentiments on this important question. The right hon. Baronet quoted the opinion expressed by Mr. Mill—a gentleman who has been highly and properly eulogized during this debate—before the Committee of the House of Lords, and that opinion will, I am sure, carry great weight with many hon. Members. In reply to a question as to the usefulness of the Board of Directors, Mr. Mill said:—

"I do not think the present system is fairly described as a fiction, since it is acknowledged that not only the Board of Control, but the Cabinet, when of a different opinion, sometimes think it right to defer to the opinion of the Court of Directors."

And why?

"No doubt" (Mr. Mill proceeds) "because they feel that the Directors are more competent to form an opinion than themselves."

But, being more competent than the Cabinet, being more competent than the President of the Board of Control, why not destroy the Court, and render the system of Indian government as incompetent as the Administration itself? I have tested this opinion by reading the evidence of Mr. Mill, which, whatever may be his prejudices, is most creditable and honourable to him. The evidence of Mr. Halliday was also quoted by the right hon. Baronet, and his statement deserves the attention of the House, because it refers to a point of the utmost importance in the determination of this question—namely, how you will exclude Indian affairs from being the subjects of party disputes and conflicts in the House of Commons. Mr. Halliday says:—

"The system of the double Government and election by the Court of Proprietors had, undoubtedly, whatever defects may be attributed, the good effect of keeping out mere party differences and discussions from the Governors of India, and that good on no account would he do away with."

But Mr. Halliday, beyond his own opinion, gives very strong and important evidence on the subject of the single Government. He sees clearly enough that none of these proposals do, in fact, amount to single Government. He sees clearly enough, and I agree with him, what a single Government ought to be, if we are to have it at all, and he says, with this view—

"The plain, straightforward course would be decidedly to have the Government and Council nominated altogether by the Crown; but whenever I have spoken of that with well-informed persons, I have been informed in a manner that I could not possibly resist, with my own means of experience, that such a measure was totally out of the question—that it was quite impossible."

Any plan, then, which would give the nomination of the whole Council to the Crown was deemed by Mr. Halliday a measure totally impossible, on the ground that no man of sense was ever found to

advocate it, except the First Lord of the Treasury on this occasion. There is, however, one question which required an answer in 1853, as it also requires an answer now. The noble Lord has told us that the existence of the double Government created difficulties and delay in the despatch of business—a good argument, if it be true. But what examples does the noble Lord give us? What illustrations does he supply? What facts does he state? Does he tell us that, on any given day, any demand which has been made upon the Directors with a view of crushing the mutiny has been refused, or that, upon any particular occasion, a wise and beneficial law has been proposed and rejected? The right hon. Baronet, now First Lord of the Admiralty, told the House, in the speech to which I have referred, that there never was a greater misrepresentation than such a statement would be, and he mentioned two cases in which decisions had been arrived at upon very important subjects within a fortnight, and before the return of the mail to India. The first of those decisions referred to the establishment of electric telegraphs, and the other to an important financial measure—the reduction of interest upon the debt; and the right hon. Baronet stated that he never witnessed greater promptitude and ability than were exhibited in the settlement of those questions within a limited time. Yet, the First Lord of the Treasury, who was a Member of the Government when the right hon. Baronet (Sir C. Wood) made the speech from which I have quoted, and who listened to that speech without adducing any facts to contradict or gainsay the statements of the right hon. Gentleman, calls upon the House to reverse the system of government which was then sanctioned. I do not, however, rely exclusively upon the authority of the right hon. Baronet, eminent though it be. At the time to which I allude, there sat upon the opposite benches a brilliant historian, an accomplished scholar, a famous orator, who had served in India, who understood the subject, and who has delighted the world by those beautiful sketches of the eminent men who distinguished themselves in that country, which the Chancellor of the Exchequer has so sadly misunderstood. That noble Lord (Lord Macaulay) as I rejoice now to call him—applied the whole powers of his mind to this great question, and in support of the policy of the Ministry which now occupies the opposite benches, he addressed this House on two memorable occasions. I need not speak of the noble Lord's eloquence, but his arguments were such as might well carry conviction even to Her Majesty's Ministers. There is not one solitary figment put forward on the part of the Government in favour of this hopeless measure which the noble Lord has not demolished. Indeed, he appears to me to have foreseen that possibly, at some distant day, some incompetent person might sit down at a table to frame a Bill which would be ridiculously wrong, and he forewarned the Parliament of what would be the very worst form of Bill that could be presented for their approval. The noble Lord said:—

"I can see, for example, that it is desirable that the authority exercised in this country over the Indian Government should be divided between two bodies—between a Minister, or a Board appointed by the Crown, and some other body independent of the Crown. If India is to be a dependency of England, to be at war with our enemies, to be at peace with our allies, to be protected by the English navy from maritime aggression, to have a portion of the English army mixed with its Sepoys, it plainly follows that the King, to whom the constitution gives the direction of foreign affairs and the command of the military and naval forces, ought to have a share in the direction of the Indian Government. Yet, on the other hand, that a revenue of £20,000,000 a year, an army of 200,000 men, a civil service abounding with lucrative situations, should be left to the disposal of the Crown without any check whatever, is what no Minister, I conceive, would venture to propose. This House is, indeed, the check provided by the Constitution on the abuse of the Royal prerogative. But that this House is, or is likely ever to be, an efficient check on abuses practised in India I altogether deny."—[3 *Hansard*, xix. 514.]

He asks a very good question—what are you to do if you discard the Company?—

"If we discard the Company we must find a substitute, and take what substitute we may, we shall find ourselves unable to give any reason"—none certainly has now been given on the part of the Government—"for believing that the body which we have put in the room of the Company is likely to acquit itself of its duties better than the Company. Commissioners appointed by the King during pleasure would be no check on the Crown. Commissioners appointed by the King or by Parliament for life would always be appointed by the political party which might be uppermost, and if a change of Administration took place,"—

How true this is I appeal to the noble Lord and other distinguished men on the Treasury bench, to bear witness,—

"would harass the new Government with the most vexatious opposition. The plan suggested by the right hon. Gentleman the Member for

Montgomeryshire is, I think, the very worst I have ever heard."

What was that? Why—

"He would have Directors nominated every four years by the Crown. Is it not plain that these Directors would always be appointed from among the supporters of the Ministry for the time being; that their situations would depend on the permanence of that Ministry; that therefore all their power and patronage would be employed for the purpose of propping that Ministry, and, in case of a change, for the purpose of molesting those who might succeed to power; that they would be subservient while their friends were in, and factious when their friends were out?"

Then he puts a case to prove it:—

"How would Lord Grey's Ministry have been situated if the whole body of Directors had been nominated by the Duke of Wellington in 1830? I mean no imputation on the Duke of Wellington. If the present Ministers had to nominate Directors for four years they would, I have no doubt, nominate men who would give no small trouble to the Duke of Wellington if he were to return to office. What we want is a body independent of the Government, and no more than independent—not a tool of the Treasury, not a tool of the Opposition. No new plan which I have heard proposed would give us such a body. The Company, strange as its constitution may be, is such a body."—*Hansard*, xix. 516.]

Therefore, according to the opinion of this distinguished man, the Bill now before you is the very worst of all the measures which have been submitted to Parliament. It is a Bill which proposes to create for a term of years certain miserable hangers-on of the Administration—men who, if they have proved supple and useful, may be re-appointed; nor would there in that case be any objection to grant them more lucrative emolument. Why, surely, if there is a Whig remaining on the Treasury bench he will follow out the principles asserted by the high authority I have quoted, and acted on by his party, and will not become a political weathercock, shifting about with every recurring breeze, without a principle to steady or guide him. But we have heard that this Government was a bad Government. I heard the Member for Kidderminster (Mr. Lowe) make an observation on this point. Now, I beg to inform the right hon. Gentleman that I shall presently quote himself against himself. Meanwhile I tell him, with all respect for his abilities, and notwithstanding my admiration of them, that I do not believe in this country of ours it is possible for a man to write to-day one thing, and endeavour to persuade the people of England the converse of this the next day—to speak to-day in favour of renewing the charter of the East India Company as a course most politic and expedient, and the next day, without a solitary fact to justify his change of opinion, to declare that we must now alter the very things which he before said ought not to be altered. As to the kind of government with which we have to deal, I will quote a beautiful sentence of Lord Macaulay. He observes:—

"I see a Government anxiously bent on the public good. Even in its errors I recognized a paternal feeling towards the great people committed to its charge. I see toleration strictly maintained, yet I see bloody and degrading superstitions gradually losing their power. I see the morality, the philosophy, the taste of Europe beginning to produce a salutary effect on the hearts and understandings of our subjects. I see the public mind of India, that public mind which we found debased and contracted by the worst forms of political and religious tyranny, expanding itself to just and noble views of the ends of government and of the social duties of man."—[*Ibid.* 522.]

And then he says that, seeing these things, and considering the whole question in its breadth and depth and magnitude, he is not prepared—to do what? What is his phrase? Why, "to take up the foundations of the Indian Government." He has no superstitious objection to change, he adds:—

"I have no superstitious veneration for the Court of Directors or the Court of Proprietors. Find me a better Council, find me a better Constituent body, and I am ready for a change. But of all the substitutes for the Company which have hitherto been suggested, not one has been proved to be better than the Company; and most of them I could, I think, easily prove to be worse."

Such is the opinion of this distinguished person. The same eminent authority, when considering what was the best form of government, said:—

"I believe this to be, next to a representative constitution, the constitution which is the best security for good government. A representative constitution India cannot at present have. And we have therefore, I think, given her the best constitution of which she is capable."—[*Ibid.* 524.]

I present, therefore, to the House the views of a right hon. Member of the present Administration, as well as those of Lord Macaulay, to show that they are directly antagonistic to the views of the Government, that they have the advantage of fact and argument, and that fact and argument are alike wanting as yet to the Treasury bench. But there is another authority never to be forgotten on this question. I am not one of those who are accustomed to quote the political opinions of the Duke of Wellington as infallible. But I believe him to have been a veracious, and I am sure he

was a great man. He bore testimony to what he saw. His principle of Indian government you are aware of. It is the noblest principle I have ever yet heard enunciated by any statesman. It is thus expressed:—

"I would sacrifice Gwalior, or every other frontier in India ten times over to preserve our character for scrupulous good faith."

That is his opinion of good government. It is short, but it is satisfactory. In 1833 the Duke thus advised that House of Parliament of which he was the most illustrious Member:—

"If a measure which proposed so materially to change the constitution of a Government, which from the personal opportunities he had enjoyed of witnessing its operations he believed to be the best, the most purely administered government that ever existed—a government that provided best for the happiness of the people committed to its charge—"

Then he addresses the people of England. You know the noble Lord urged that for a body of merchants to be intrusted with the government of a country in these enlightened days was very absurd. Well, the Duke of Wellington says:—

"It was deceiving the people of England to affirm that a trading Company which, after nearly a century of constant wars, had acquired a sovereignty over a vast population and territory, yielding a revenue of £20,000,000, with a debt not exceeding £40,000,000, was unfit for the functions of government or unfit for the management of commerce."

That is a short speech, but it is a pregnant one. It was replied to by the Marquess of Lansdowne on the part of the Government, and I invite the attention of the Chancellor of the Exchequer to what fell from him. The noble Marquess—

"Denied that the Ministers had ever disputed the fitness of the Company to govern India, and fully admitted that under their sway the condition of the people had been greatly improved, and that they had been comfortable and happy to an extent which they had not experienced under any other Government."

That, Sir, is my evidence, borrowed from the acts, declarations, the speeches, and the legislation of the party opposite. But the noble Lord at the head of the Government started the other night a practical question. Paying a compliment to the Company as he began, another as he proceeded, and another as he sat down, he observed, "I may be asked why we take this moment for proposing a change of system?" What was the noble Lord's answer to that question? It was the best, I presume, he could give, and it was this. The Crimean war, he said, drew the attention of the Government to the complicated arrangements arising from the distinction between the War Office and the office of the Secretary of State for War. And so he argued by analogy that in consequence of the late disturbance in India we ought to change the system of government for that country. Now, I appeal to the House, to say whether there is any fair analogy between the two cases. Shades of Pitt and Fox! was this the best argument the First Minister of the Crown could give for deciding on a new form of government for India? Does a union effected between two departments resembling one another in principle apply to a change of system in a Government? Does such an alteration apply to what Lord Macaulay described as "taking away the foundations of the Indian Government?" A more frivolous or superficial argument I never heard, and if that be the best which the noble Lord can produce the case of the Government is gone. But the noble Lord instituted a comparison, and I avail myself of it. He appealed to the management of the Crimean war. I simply ask you to compare the conduct of that war with what has of late been done in India, and I think a sufficient answer will be supplied to the suggestive argument of the noble Lord. A few gallant men placed in positions of authority in India were, it is true, surprised, but not dismayed. They proved themselves prompt in action, fertile in resource, heroic in fortitude. By the exercise of those high qualities they have preserved to you an empire. Yet the return which the noble Lord would make to the body which established the system under the operation of which none but men of ability, capacity, and energy—such as the men to whom I have been referring—are raised to important situations would be to overthrow its power by force of an analogy drawn between its administration and the management under the auspices of Her Majesty's Ministers of the Crimean war. Yes, that is the course which the noble Lord asks you to take, as if he thought nobody was entitled to respect except those who starved an army, who ignored merit, who sheltered incapacity, who screened offenders, and who stifled truth. I appeal to every hon. Gentleman who hears me to say whether, by his own good sense and the evidence of his senses, to the flimsy argument of the noble Lord founded upon this analogy between the management of the Crimea

war and the mutiny in India a triumphant refutation is not given? Why, then, does the noble Lord bring forward his measure at this particular moment? I concur with the noble Lord in thinking the opportunity a convenient one to Her Majesty's Ministers, inasmuch as a day of reckoning is close at hand. Inquiry into recent events in India must sooner or later take place. We must find out whether the East India Company ought to be made the scapegoat in this instance, or whether, in accordance with the constitutional argument of Lord Macaulay, the occupants of the Treasury bench, and among them the First Lord of the Treasury himself, should not be regarded as the principal offenders? We must examine into the legislation of the last three or four years, so far as India is concerned. We must see whether it has been in conformity with the customs, the manners, and the usages of the people of that country, or whether it was not in direct antagonism to their prejudices and their feelings. We must ascertain whose was the policy which left Delhi unprotected, notwithstanding the repeated representations of Sir C. Napier as to the number of men which would be necessary to man the guns in that fortress, and to guard its treasures. We ought, I think, to know why it was that Oude was invaded, and to learn, if possible, what were those measures which led to the occurrence of that terrible calamity which so lately fell upon us. All these are questions which it behoves the House of Commons carefully to examine. Are the blood, the life, the bone, and sinew of the country to be recklessly squandered by incompetent men, and yet no redress demanded? Are we to express our concurrence with the noble Lord at the head of the Government, when he says, "I will change the system of Indian administration—I will throw the blame of those unhappy events, by inference and implication, upon the Court of Directors. Her Majesty's Ministers are not open to censure. In fact, nobody is in fault. The mutiny is now a matter of history. The subject is disagreeable. Everything connected with it is in a state of the utmost obscurity. I therefore think it expedient to take a jump in the dark." It is for the House of Commons to say whether that line of argument be in its opinion either just or conclusive. The noble Lord, however, went on to say, that it was necessary that the affairs of our Indian empire should be subjected to Parliamentary interference, and upon that point the argument which he used was somewhat similar to that which fell from his right hon. Colleague the Chancellor of the Exchequer. Now, I have both heard and read the speech of that right hon. Gentleman—which has in some quarters been highly praised—and I cannot help saying—while I entertain the most sincere respect for the ability of the Speaker—that it appears to me to be the most extraordinary speech which was ever addressed to the House of Commons. The right hon. Gentleman is a learned man, and he commenced his observations on Friday night in a tone very different from that which was assumed by the noble Lord near him. The noble Lord was conciliatory and agreeable. The right hon. Gentleman began by being witty. He, however, very speedily became historic, and, of course, grew abusive. The first thing which the right hon. Gentleman did was, to pour out the vials of his wrath upon the petition which had been presented by the Company. The style of the composition displayed in that document he admitted to be good. Its arguments, upon the contrary, he regarded as bad, and I can quite conceive that they were by no means agreeable to a Minister of the Crown. For my own part, I feel bound to say that, having been occupied during a considerable portion of the long vacation in reading papers connected with India, I do not believe there are to be found in any service in the world men of higher literary ability than those engaged in the service of the East India Company. But to return to the speech of the right hon. Gentleman the Chancellor of the Exchequer. He was naturally very much offended that opposition should be offered to any measure introduced by the Government, and the consequence was, he attacked the Company with uncommon vigour. He drew upon the stores of his learning, and proceeded to show to the world how poor a body it really was, and how little it was entitled to our gratitude or admiration. One of the very first observations of the right hon. Gentleman was, that the acquisition of our Indian empire certainly added nothing to the wealth of England, and he added, "Whether the fact of our exercising this high sovereignty contributes to the trade of the country is a matter of opinion." That is the dogma which the right hon. Gentleman propounded, and I

think it is one well worthy of the attention of the mercantile men in this House. Now, with all deference to the right hon. Gentleman, he will find, if he looks back into history—and he need not go further back than the time of Alexander—that the trade of India has added to the wealth, the power, and the prosperity of more than one country. Has the right hon. Gentleman not read the history of the Republic of Genoa in her brilliant days of freedom? Has he not had his attention called to the prosperity of Venice when she possessed the trade with India? Does he not know the consequences which were the result of its loss? Have not the aspirations of Portugal been continually turned towards India? But I need go no further. All history affords a contradiction to the dogma to which the right hon. Gentleman has given expression. The right hon. Gentleman, however, went on to contend that it was all a mistake to suppose that the East India Company had acquired for this country her Indian empire—that it had been gained by the valour of the Company's servants, who, in conquering new territories, acted in opposition to the will of their employers at home. Their servants, it seems, were insubordinate and mutinous; perhaps they should have been dogmatic and dictatorial. Why, Sir, they were men of genius, who won an empire which the present occupants of the Treasury bench are but too well qualified to lose. It is impossible to allow the historic sketch of the right hon. Gentleman to pass altogether unnoticed, and his speech was divided into two great parts; the one bearing upon the condition of India previous to 1784; the latter upon the happy transformation which took place when Parliamentary authority began to be exercised in her regard. Now, what is the account which the right hon. Gentleman gives of India previous to 1784? He quoted Mr. Burke, and then went on to say—

"Now, I maintain that that language, strong as it may sound at this moment to a House not familiar with the scenes of rapine, of plunder, and of every species of abomination which had then been proved by evidence, is a perfectly faithful representation of the opinions which prevailed in Parliament at that time with respect to the East India Company. I most confidently maintain that this notion which has got abroad of the great debt of gratitude which we owe to the East India Company is one that was not only entirely unknown, but most alien to the feelings of the generation who knew what the Company was before Parliament had interfered to control it. I do most confidently maintain that no civilized Government ever existed on the face of this earth which was more corrupt, more perfidious, and more rapacious than the Government of the East India Company from the years 1758 to 1784."

Well that is a very distinct and unqualified statement. Now let us for a moment consider how far that statement is well founded. The right hon. Gentleman illustrated his argument by a reference to the careers of Hastings and of Clive. I shall not trespass upon the time of the House by making any comment upon the good taste which the right hon. Gentleman displayed in denouncing Clive as a tyrant, or in alluding to the circumstance of his having put a period to his life with his own hand. I very much question the propriety of that remark. If the right hon. Gentleman had taken the trouble to reflect for a moment he might have found examples in Parliamentary history of men who had devoted their lives to virtuous labours, who had consecrated the hours of the night to their country's service, who were wisely and actively benevolent, yet who by some mysterious visitation of the Almighty, brought with their own hands their existence to a close. Is the sketch which the right hon. Gentleman gave us of the policy of Clive founded in truth, or was there ever submitted to Parliament a grosser perversion of historic facts than that which is contained in the statement that "no civilized Government ever existed on the face of the earth which was more corrupt, more perfidious, and more rapacious than the Government of the East India Company from 1758 to 1784?" The right hon. Gentleman might have looked at that little book containing a sketch of Clive's policy written by Lord Macaulay. If he had done so he might have been induced to refrain from making such a statement as that to which I have referred. The right hon. Gentleman quoted Burke, and I demolish him with Burke. I say if there was one period of English rule in India when the position of this country was more glorious than at any other it was at the very time which has been distinguished by the right hon. Gentleman as one of rapacity, violence, perfidy, and fraud. In that greatest of all his speeches, upon the trial of Warren Hastings before the House of Lords, he spoke of Clive's policy, and I think his words upon that occasion will vindicate the memory of a great man whom the right hon. Gentleman has not hesitated to attack. He says:—

"First quiet the minds of the country; what you have obtained, regulate: make it known to India that you resolve to acquire no more.' On this solid plan he fixed every Prince that was con-

cerned in the preceding wars, on the one side and on the other, in a happy and easy settlement. He restored Ul Dowlah, who had been driven from his dominions by the military arm of Great Britain, to the rank of Vizier, and to the dominion of the territories of Oude. With a generosity that astonished all Asia he reinstated this expelled enemy of his nation peaceably on his throne, and this act of politic generosity did more towards quieting the minds of the people of Asia than all the terror, great as it was, of the English arms." And having thus stated the policy of Clive by his acts, the great orator, philosopher, and statesman, who laboured for the good of India and its Natives, thus continued:—

"If ever this nation stood in a situation of glory throughout Asia, it was in that moment."

That is my answer to the right hon. Gentleman. Now, contrast the policy of Lord Clive with that of Lord Dalhousie. Lord Dalhousie prefaces his act of spoliation by saying that the King of Oude never broke a treaty he had made with us, never violated his engagements, and had always acted with fidelity towards us up to the very last, and yet the sovereignty was changed and the titles of occupiers to the land were disturbed. The Ministry regard these acts of the living with favour and approbation while they deprecate the conduct of the illustrious dead—of him who laid the foundation of a noble family, who was acquitted by the Parliament and was ennobled by his Sovereign. I think it is a noble descent to claim from the founder of an empire. Now, look at the character of the right hon. Gentleman's speech. I hear that speeches in this House are translated, published, and read by the Natives of India. I congratulate the Ministry that in the midst of a servile war one of its Members should have made such a speech. He tells us that our Government in India was based upon cruelty and rapacity from one given date to another; and will not the Natives of India say, when they read that statement, made upon such authority: "Let us rid our soil of the hated descendants of those perfidious robbers who spoiled our country, and who have perpetuated that spoliation by a continuance of fraud, tyranny, and injustice?" Our Christian countrymen in Calcutta, believing themselves oppressed by the Government of Lord Canning, claimed the Englishman's right of publishing those complaints. The press in India has been gagged, and therefore I think Lord Canning will be enabled to prevent the publication of the rash and mischievous speech of the right hon. Gentleman. For the first time in my life I can congratulate the country upon the establishment of a strict censorship, and I should recommend that it be maintained so long as Cabinet Ministers are to be found making such dangerous speeches. But Hastings, I admit, differed much from Clive. I agree with the right hon. Gentleman that Hastings did acts in India which cannot be reconciled with the principles of morals or of justice. But does not the right hon. Gentleman in his unsparing condemnation of Hastings defame the House of Lords which acquitted him, the Chancellor, the Judges, the Bishops, the House of Commons, which stood up in 1813 to receive the man whom they had prosecuted? Although I agree that he did some acts which cannot be justified, yet we must consider him as one of those great men who, being invested with the conduct of an empire, show that they are endowed with a native genius for command. Contrast his policy with that of the present day. The Christian historian, Dr. Robertson, has selected Hastings as one to be named amongst the great and good men who, being invested with supreme power, endeavour to govern wisely and well. Why was that? Because Hastings said, as Alexander the Great had said before him, I could not keep this empire against the will of the people; I cannot govern them by cruelty or rapacity, but only by respecting their laws, and to respect those laws I must understand them, and the laws of Hindostan were accordingly translated by the learned Halhed. Hastings left that country a quiet and peaceable legacy to his successors, and yet the right hon. Gentleman refuses to do any justice to his character as a statesman. In 1784, says the right hon. Gentleman, began the just rule of England in India. I deny it. We are now asked to sanction the introduction of Parliamentary influence into the government of India. I meet that issue boldly, and I appeal to history to sustain me. It is true that in 1784, through the establishment of the Board of Control, Parliament obtained an influence over the affairs of that country. Does the right hon. Gentleman remember that Macaulay has said of all histories written since Gibbon's, the greatest was the *History of India* of Mill, at once the most philosophical and the most truthful? The right hon. Gentleman has put the Court of Directors upon their trial, now I will put the Board of Control upon its trial. Every man who goes through the six volumes of Mill's history must come to the conclusion, that the Government of India

under Parliamentary influence has been more unsatisfactory, more demoralizing, and more mischievous, than ever it was under the Court of Directors. The moment the Board of Control came into existence then Parliamentary influence was brought to bear upon the affairs of India, then there were elections to be carried, members to be smoothed, places to be given away, and the corrupting influence which is at work now, as it was then, not only demoralized the Government, but endangered the constitution of England. Mr. Mill expressed a strong opinion against the transference of power from the Directors to the Board of Control, and added that the Court of Directors never erred so much as when they followed the direction of men who claimed to be both statesmen and lawyers. This was the only time, according to this laborious historian, when the Directors committed a great and serious error; this is the judgment of history on the Board of Control and Parliamentary influence and interference; and Mr. Mill earnestly implores his countrymen, as they valued and wished to preserve their liberty, to beware of Parliamentary influence in the affairs of India. That being so, I would call attention to the argument of the noble Lord and the right hon. Gentleman as to the great advantages likely to result, according to them, from the contemplated change in bringing questions alluding to India within the range of Parliamentary discussion. That is the very thing of which I dispute the advantage. The noble Lord and the right hon. Gentleman said public opinion would operate. Was there ever a greater fallacy than that? There is no public opinion in India, and therefore the public opinion that is to operate is the public opinion of this country, But while I admit that the public opinion of England operates on the English Parliament, I deny that the opinion of the people of England, differing as we do so completely from the people of India in their laws, customs, character, and religion, would be such as to make it a wise and beneficial thing to apply it to the affairs of India. The whole argument, in fact, rests on a fallacy. But I do admit that another issue has been raised by an observation as to the effect of public opinion on our colonial possessions. There was a Minister of England once, a man of great ability and eloquence, surrounded by scholars, historians, and men of wit; he had the confidence of his Sovereign, was popular in the country, and was supported by a majority in Parliament more guilty than himself. That Minister adopted a policy with reference to our American colony, and persevered in that policy until he drenched the soil of America with blood, and lost a kingdom to his King. That policy I believe to have been an expression of the opinion of the English people: that is, of the opinion of one country operating mischievously upon the happiness of another. Cast your eyes across the Atlantic, and what do you behold? A republic of revolted subjects seated triumphant over the raised power of their conquered masters. And what has become of the popular Minister? The pen of the historian has executed justice on the policy and the memory of Lord North, and he is now to be classed amongst those men who, made giddy by ambition, mistake the fleeting sounds of popular applause for the trumpet notes of fame. I say, then, you may lose India in the same way, if you attempt to operate on the opinions of the people of that country without reference to their laws, usages, character, and religion. There is but one question remaining, but it is a great question. My hon. and learned Friend the Member for Sheffield says that the English people make all the Ministers. Do they make them all? What all? I understood him to say that the people of England have made the Ministers, even the First Minister of the Crown. But I appeal to your hearts, I appeal to your conscience, whether the argument of the hon. and learned Gentleman is founded on fact? Are the appointments under the wholesome operation of public opinion in this moral country, governed as it is by a free press, are they what you can always applaud and defend? Are they always made in deference to the moral feeling, to the enlightened opinion of the great British public? always made out of regard to the utility of the public service, to the honour of the Crown, and to the advantage of the State? Do you believe it? How do you know who may be the eight councillors at whose disposal the Indian patronage is to be placed? The flimsy excuse was made that the few first appointments were to be decided by examination, and that the persons thus appointed would be promoted. Are the Members of the House, as men of business, or sense, satisfied with this? I ask you to decide, not by any argument of mine, but by the evidence of your own

senses, whether it would be a safe thing to pass this Bill? The present Government of India has lasted a good while. No doubt, as the noble Lord says, a change may be easily made. I agree to that argument. Remember how infinitely more easy it is, even on the showing of the noble Lord, to destroy than to create. It is a law of the Almighty that the work of construction is difficult and slow, the work of destruction is easy and rapid. The skill of an architect, the labour of an age, will erect the majestic edifice; a labourer with his pickaxe will speedily destroy its proportions and deface its beauty. This building still stands; it has stood the test of time. Let us strengthen its foundations, enlarge its basis, and improve its structure, if we can. But I implore you, while it is yet time, to stay your hands, and do not upon such arguments as you have heard overthrow the edifice.

MR. LOWE said, he thought that even those hon. Gentlemen who had been most enthusiastic in cheering the speech of the hon. and learned Gentleman who had just sat down would allow that it was more characterized by authority than argument. As, however, he (Mr. Lowe) had not come down to the House with a portable library, he could not say how far the authorities, which he could not verify from memory, might bear on the points to which they had been applied. But with respect to the passage which the hon. and learned Gentleman had quoted from Mill, as the testimony of that historian in favour of the Government of the East India Company, as opposed to the mixed Government which was brought into existence by the Bill of 1784, his (Mr. Lowe's) memory greatly deceived him if the passage in question did not apply to the government of the Company subsequent to that year. There was an authority from a different quarter, though not exactly upon that point, which he would venture to quote. Hon. Gentlemen who sat in the last Parliament would remember that when the last India Charter was under discussion his hon. and learned Friend (Mr. Phinn) moved in Committee an Amendment to the principal clause, to the effect that India should thenceforward be governed by and in the name of Her Majesty, her heirs and successors. That Amendment was negatived, but the minority was fortunate enough to number among them the hon. and learned Gentleman the Member for Enniskillen (Mr. Whiteside). He (Mr. Lowe) had not risen on this occasion to vie with the hon. and learned Gentleman, but to state the result of his practical experience of two years as Secretary to the India Board, and of three years upon the Commission for the reform of the Law in India. The assumption that ran through the speech of the hon. Member for Huntingdon (Mr. T. Baring) was that the House was called on to take a great and momentous step—that they were about to throw out of gear the whole machinery of the home Government of India just to see if they could put it into gear again, and that this was a dangerous time to make so great an experiment. In that opinion the East India Company apparently shared. In their Petition they described the Government of India as having been hitherto conducted "by their joint counsels and on their joint responsibility," and they spoke of their share in the Government in these terms:

> "That your Petitioners, however, do not seek to vindicate themselves at the expense of any other authority; they claim their full share of the responsibility of the manner in which India has practically been governed. That responsibility is to them not a subject of humiliation, but of pride. They are conscious that their advice and initiative have been, and have deserved to be, a great and potent element in the conduct of affairs in India; and they feel complete assurance that the more attention is bestowed and the more light thrown upon India and its administration the more evident it will become that the Government in which they have borne a part has been not only one of the purest in intention, but one of the most beneficent in act ever known among mankind."

He wished to speak with all respect of the East India Company, but he maintained that it had not been a great and potent element in conducting the business of India, that it did not possess that great control of which it boasted, that it had no initiative, and was not the adviser of the Board of Control, and that so far as its direct agency was concerned its functions were so slight that they might be got rid of without its being found out. It was principally since 1784 that the conquest of India had been effected. Prior to that time our Indian dominions were limited almost to the Carnatic in the south, and Bengal in the east, and the remainder of India had been conquered since that period in the usual way by wars and treaties. But were those wars ordered and those treaties ratified by the East India Company, exercising a joint control over the affairs of India? No one acquainted with the Acts of Parliament passed for the regulation of the Company from 1784 down to the present time

could maintain that proposition for a moment. The manner in which Indian affairs were managed by the home Government was this—whenever the President of the Board of Control was of opinion that any particular matter required secrecy —and of this he was the sole judge, without any appeal whatever—he was allowed to frame a despatch which he sent to India through the Secret Committee of the Company. This Secret Committee the Company was required by law to appoint; the members of it took a solemn oath not to divulge the matters which passed through their hands, they had no right of remonstrance or representation, but they were bound to send out immediately the orders of the President of the Board of Control as they received them. So that in the great transactions of war and peace the Government of India was not only not carried on by the East India Company, but the Act of Parliament expressly excluded it, not only from all responsibility for them, but even from all knowledge of them. In the great acts of policy the East India Company had no share whatever, either for good or evil. It could claim no praise for its justice and wisdom, nor could it, on the other hand, be blamed for its cruelty or breaches of faith. It was passed by altogether. It was exactly in the position which the Petitioners foreshadowed in reference to the Council which they apprehended would be set up in their place, if it should not have conferred upon it the right of nominating the home establishment. "If the officers through whom they work are in direct dependence upon an authority higher than theirs, all matters of importance will in reality be settled between the Minister and the subordinate, passing over the Council altogether." This had been the case ever since 1784 in regard to all matters which the President of the Board of Control decided should be confined to the Secret Committee. With regard to ordinary business, matters of revenue, or judicial matters, for instance, the course was somewhat different, but even here the Company did not stand in a much higher position. Every week the President of the Board of Control had a meeting with the Chairman and deputy Chairman, at which any matters requiring discussion were brought forward. The President's wishes were expressed, and then these two gentlemen went to the India House and prepared a "Previous Communication," which, if they agreed with the President, would probably be an echo of his opinions. These "Previous Communications," it must be remembered, were not prepared by the Court of Directors, but by the Chairs and the clerks in the respective departments. From the India House they were sent to Cannon Row, where they passed under the inspection of the Secretaries, and were laid before the President, who approved them just as the head of every department approved the despatches which were about to be sent out. Then, when the President had not only made up his mind as to what he would do, but also as to the very form of words in which his instructions should be conveyed, the question was brought before the East India Company, and the Court of Directors were allowed to prepare a draught despatch, which agreed with the Previous Communication or not, just as their views agreed or disagreed with those of the President. The President of the Board of Control, upon receiving that draught, might alter it, and if he did he was obliged to give his reasons in writing, which were generally brief, and much in the manner in which one would give reasons to people the result of whose opinion was not of any great consequence. The Directors gave their reasons in turn, and then the President might send out any draught he chose, which was generally a copy of the Previous Communication of which he had approved. What amount of control, advising, or initiative was there in all this? The head of a department made up his mind what he would do, and settled the form afterwards in which he would order it to be done; it was then the privilege of another department, which had no access to him, and no opportunity of discussing the matter with him, to propose a totally different despatch which the Head could alter as he liked when he got it before him, merely on the penalty of giving some short reasons in writing for so doing. Such a check as this was perfectly nugatory, and the Council proposed by the Bill would have a hundred times more influence over the President than the Court of Directors had under the present system. Further, as if for the purpose of making the present council of the least possible use, it was placed at an entirely different part of the town,

> "navibus atque
> Quadrigis petimus bene vivere"—

the intercourse of the departments was carried on by cabs and river steamers. The President of the Board of Control

never received advice from the Court of Directors—all he received was their opinion what ought to be done after he had made up his own mind, and the reasons which they might choose to give him for their opinions; and yet upon the strength of this the East India Company claimed to be regarded as an integral part of the Government of India. It was for this reason that he had never joined with those who had inveighed bitterly against the East India Company. Nor, on the other hand, had he ever swelled the praises of their good government. They were entitled neither to the one nor the other, not because their intentions had not been good, but simply because, for the last seventy years, they had been deprived by statute of all power of carrying their good intentions into effect. If he had given a true account of the manner in which business was transacted with the Board of Directors, and he had spoken from his own personal observation, it seemed to him that in matters of State importance they were passed by altogether, and in ordinary matters they were only allowed to interfere after the President had made up his own mind, when their interference was obviously nugatory; and, as if for fear they should exercise any influence over the President, they were debarred from all personal communications with him. Their discussions with him were carried on in writing, without any of that union of mind with mind which could alone enable a body placed in an inferior position to exercise any influence over a superior department. So far, therefore, as the direct agency of the East India Company was concerned, it was a matter of very small consequence whether it was abolished or retained. But there were indirect consequences arising from the retention of the Company which it behoved Parliament, if it were sincerely anxious for the good government of India, to get rid of as soon as possible. The existence of the East India Company necessarily produced a fearful amount of delay. The Company boasted of being an independent check on the Minister. What truth there was in that boast he had shown. If it had called itself an independent clog it would have been much nearer the mark. It was a wheel which was always locked, both going up and coming down hill—a very good thing sometimes, at others very injurious. This did not arise from any fault of its own, but from the structure of the system which held out the Company as the governor of India, which carried on all things in its name, invested it with a trust for the Crown, obliged it to receive all despatches from India, compelled every one who had a grievance to write to the Company, instead of writing direct to the Board of Control, and invested with executive functions a governing body of an essentially deliberative character. He contended, then, that to carry on a serious war, with the unavoidable disadvantages of time and place, with such an organization as that, was a great evil; because, although the President of the Board of Control could issue orders directly to the Governor General, passing by the Company altogether, yet there were matters connected with the business of the Company which must be transacted by the Company itself, under the sanction of the Board of Control, and the consequence was that intolerable delays were interposed. He would state one case as an illustration, and when he stated it he was sure that the wonder would be, not that so small a length of railway had been constructed in India, but that a single sleeper had yet been laid down. Now, this was the process in the case of a railway:—The East India Company guaranteed the dividends, and therefore, of course, they were obliged to control the expenditure. There was a Railway Board in India, and their proceedings were referred to the Government engineer; their decision went, he believed, through the Government of India; it came home then to the Railway Board in England, on which the East India Company was represented; from that board it went to the East India Company, and having passed through all the forms of the India House, it went finally to the Board of Control, first to the permanent Secretary, then to the Parliamentary Secretary, and then to the President, who sanctioned all that had been done. It then went back to the East India Company to be finally approved of. That was the process through which every yard of railway in India had to pass before its construction was commenced. As another sample of delay he might instance Lord Macaulay's penal code, which had been so often referred to in the course of the debate. That code was prepared in 1840, and from that time to this it had not been carried into effect. It was just on the eve of being acted upon when the mutiny broke out—and that, like the fire in Caleb Balderstone's larder, was sufficient to account for every failure and every shortcoming. He

believed that the Government would be very open to censure if, when these things were brought under their notice, they allowed a system to continue which from its many imperfections was so full of danger. Another great evil which attached to the position of the East India Company was this. Of course the Government being carried on in its name, the public—who did not look deeply into official matters—supposed that it was the Government, and behind that supposition, undoubtedly, the Minister of the Crown was screened, and screened, to the great disadvantage of the Indian Government, because no man was the worse for being responsible for what he did. Upon this head he might cite what the Petitioners themselves stated. The House would remember that the Petitioners drew up an imaginary scheme of Government which they supposed the Bill would provide, and then they stated their objections. They said :—

"That your Petitioners cannot well conceive a worse form of Government for India than a Minister with a Council whom he should be at liberty to consult or not at his pleasure, or whose advice he should be able to disregard."

That was too like the present system ; so they added, "Without giving his reasons in writing." That was too illusory, so they went on, "and in a manner likely to carry conviction." He certainly knew that the reasons which were exchanged between the Board of Control and the India House were conveyed in writing at this time, but whether they were ever such as to be likely to carry conviction was another question. They continued :—

"Such an arrangement, your Petitioners submit, would be really liable to the objections in their opinion erroneously urged against the present system. Your Petitioners respectfully represent that any body of persons associated with the Minister, which is not a check, will be a screen."

Why, what was the position of the East India Company now? Did they check the Government in any way? He had shown the House exactly the power which they had, and how they exercised it. As to real power they had none, and they might read for the first time of a war, which they were said to have declared, in the morning newspapers. They had the power, which most persons had, of giving an opinion ; but that was the whole of the check—that was the potent element for the regeneration of India which it was said that the Bill was calculated to destroy. They then proceeded—

"That it is, in the opinion of your Petitioners, no less necessary that the order of the transaction of business should be such as to make the participation of the Council in the administration of India a substantial one."

How substantial it was now he had shown. They went on—

"That to this end it is, in the opinion of your Petitioners, indispensable that the despatches to India should not be prepared by the Minister and laid before the Council, but should be prepared by the Council, and submitted to the Minister."

Was that the case at present? He had shown that the Minister virtually prepared the despatch before the Council knew anything about it, and that after they knew exactly what he wanted they had the choice of preparing any despatch they pleased, and submitting it to the Minister. If he wanted witnesses, then, to show the inefficiency of the present system of the East India Company, he could not do better than call the Petitioners themselves. In the same paragraph they said—

"The Minister has necessarily the ultimate decision. If he has also the initiative, he has all the powers which are of any practical moment."

He had shown the House that the Minister had all those powers. They added—

"A body whose only recognised function was to find fault would speedily let that function fall into desuetude. They would feel that their co-operation in conducting the government of India was not really desired; that they were only felt as a clog on the wheels of business. Their criticism on what had been decided, without their being collectively consulted, would be felt as importunate, as a mere delay and impediment; and their office would probably be seldom sought but by those who are willing to allow its most important duties to become nominal."

Now, he did not say that the East India Company allowed their most important duties to become nominal. He believed that they did their duties as well as they could; but they had no important duties to perform except in very rare cases, such as the recall of a Governor General, which might happen once in half a century, for in the Government of India they had, with curious ingenuity, been excluded from all important duties. But it was one of the main objections to the present system that the Company retained just and sufficient power, and were placed in such a position as to prevent the Government of India being placed unreservedly and without disguise in those hands in which it ought to be—in the hands of Her Majesty the Queen. That was the constitution of this country, and to say, as was remarked by Lord Grenville in 1813, that all property, all honour, and all power, were vested in the Crown, was only to say that we lived un-

der a monarchy, and not under a republic. The only exception to this was the government of India, and how unhappy and unfortunate was the exception! Out of a vast empire one place was selected where the Queen's name should not be used as the head of the Government, and that was a place where resided an Oriental nation, in whose ideas monarchy and Government were absolutely inseparable—a nation who never heard of aristocracies, or republics, or democracies, but who thought a King was the sole and only means of Government, whom they regarded with a sort of sacred reverence—that was the place which had been selected for the scene of this single and anomalous exception. But more; India was full of noble families, some descended from the sun and others from the moon. Those persons had, and no wonder, great pride of birth and ancestry; and, by way of conciliating them and making them happy under the dominion of a paramount and foreign State, they were deprived of the honour, pleasure, and gratification of feeling that, if they were subjugated, it was to a Sovereign whose ancestors had sat on the Throne of these islands 500 years before the boasted empire of the Great Mogul was founded, and were made vassals and tributaries of a mercantile joint-stock Company. On the last occasion, when the East India Company came under discussion, he was told by a distinguished man, well acquainted with the Native character, that the notion which they had of the government of the Company was that it was a farm or lease, and that they were leased out by the Crown of England to be squeezed *ad libitum* by the East India Company; and the opinion of that gentleman was, that nothing could be so desirable for the improvement of India as to place the government in the Queen. But the matter did not rest here. We knew something of the history of India, which was indeed but one catalogue of differences and bickerings, more or less violent, between the servants of the Company and the servants of the Crown. We were now engaged in putting down a tremendous revolt; but this was not the first that had occurred. Every one knew the history of Sir A. Fletcher and his associates who mutinied in the time of Clive. They did not feel, however, that they were committing high treason against the Crown of England, but that they were revolting against a commercial Company. So, again, in Madras, in the time of General M'Dowell and Sir George Barlow, when the whole force of the Deccan was within an ace of declaring itself independent of the Government of Madras. These incidents had not been confined to the military. The first event that happened on establishing the Supreme Court of India was that that Court—being the Queen's Court—held in contempt the courts of the Company, and took upon itself to interfere with every branch of the administration—with the revenue, the taxation, the police, &c.—and this, again, had led to difficulties. He was happy to say that he had the authority of the Earl of Ellenborough to confirm his statement, that nothing would tend more to produce a spirit of subordination in the servants of the Company and of the Crown in India than the placing of that country under the immediate dominion of that gracious Mistress to whom we all owed allegiance. But all that must be deferred until we could get rid of that governing body in the name of which instead of that of the Crown, the affairs of India were administered. He would mention one more very conclusive reason for the change which this Bill would effect. It was quite possible, under the present system, that the East Company might be at war with a Power with which the Queen was at peace. It was quite possible for the Minister to declare a war in which the troops and fleets of this country would be engaged, and which would entail a very heavy burden on the Indian Exchequer, without Her Majesty's name being at all involved in the prosecution of that war. This Bill provided that when wars were declared in India, Parliament should, as soon as the public service would permit, be made acquainted with them. There was only one more question—namely, that of the time at which this Bill was introduced, on which he would say a few words. On that question he must take the liberty of referring to an observation made by the hon. and learned Member for Enniskillen. The hon. and learned Gentleman said that he would quote himself (Mr. Lowe) for the purpose of showing that he had on one day said one thing and the contrary on the next. He had quoted so many magnificent passages that it would be too much of an anti-climax for him to have condescended to quote himself (Mr. Lowe). The hon. and learned Gentleman had, therefore, compelled him to perform what was a very disagreeable duty—namely, that of reading

the report of a speech which he made in 1853. That speech, which he confessed did not make a very favourable impression on him, was made on a question exactly similar to the present. It was made on the occasion of the noble Lord the Member for King's Lynn (Lord Stanley) moving, upon the second reading of the India Bill, a Resolution to nearly the same effect as the Amendment now before the House—that the question should be postponed. It became his duty as Secretary to the India Board to answer the noble Lord, and in the course of doing so he made the remark which he now begged to quote, not as being of any value in itself, but to show that the hon. and learned Gentleman was capable of making quotations to suit his own purposes. That remark he also conceived was not inapplicable to the question now before the House,—namely, that of time. It was as follows :—

"If the Company's Government was a bad one, change it; but when they had a vast empire at an enormous distance depending, not upon the army, but upon the prestige, character, and influence, and upon the unvarying success and prosperity which had attended the operations of the East India Company from the time of Clive to this day, he trusted they would not hold it up for two or three years as condemned beforehand in the eyes of those very people whose submission depended upon the respect and esteem they felt for it. If we were to govern India through the Company, the Company must be respectable and respected."

He presumed that was the passage (for it was the only likely one) which the hon. and learned Gentleman intended to quote. He apprehended that what was true then was most eminently true now. The House had been asked to consider what would happen if this Bill should pass; but he begged them to consider what would happen if it should not pass. For many years past the powers of the East India Company had been subjected to a process of gradual diminution. Their power was cut down on every renewal of their charters. It was deprived of the India trade in 1813, and of the China trade in 1833. Its interests and connection with India were thus reduced to a mere shadow. The Court of Proprietors had no connection with India whatever, except that of being first mortgagees on its revenues; and, as if that connection were too strong, it was made less by the establishment of a guarantee fund, by the deposit of two millions of its assets, which had now increased to between four and five millions, and would at no distant day be increased to twelve millions. He thought that policy could not be said to be a wise one for the very reason he had given, for as long as we elected to govern India through the East India Company we ought to do everything in our power to make that agency powerful and respected. We substituted for the name of a powerful and respected Queen that of a Company, and if we were not to place India in the hands of the Crown we ought at any rate to take care that those whom we made trustees of the power of governing India were respectable and respected. After the debates which had taken place in that House, after the exposure which the whole of the present system had undergone and would yet undergo, the report of which, as the hon. and learned Gentleman had said, would be read by the Native population of India, what did the House think would be the position of the East India Company? What idea would the Native Princes of India have of it? Would not they feel that the sword of Damocles was suspended over the Company, from which it might be respited for a few months or a few years; and would not, therefore, that very agency on which we must depend, not for conquering—for that we should do by our arms—but for pacifying and reorganizing India, be weakened if not destroyed? That was one argument that deserved the consideration of the House with reference to the question of the hon. and learned Member for Enniskillen, what would happen if this Bill should pass? The hon. and learned Gentleman said they ought to wait for quiet times. But how long must they wait? Did the hon. and learned Gentleman imagine that 100,000 rebels were to be killed, and India then to be legislated for, just as Tom Thumb said, "So now rebellion's quelled, we'll go to breakfast"? He believed that when this mutiny was entirely put down, we should still have a mighty task before us. Many old ideas, feelings, and prejudices would have been dissipated never to revive, and we could not hope that India would adapt itself to the new state of things and settle down into a state of perfect tranquillity till the lapse of many years. Was the House to adjourn this question till then? Was the agency of the East India Company, which had now undergone disparagement by being brought before Parliament in order to be abolished, on the authority of a person having such experience and knowledge of public affairs as the noble Lord

the First Minister of the Crown, and brought in a manner that must satisfy any one disposed to look at the matter fairly that the proposition originated, not in any animosity to the Company, not in any crotchety desire for change, but in a conviction, practically forced upon the mind of the Government by recent events, of the unfitness ef the machinery for accomplishing the purposes for which it was devised —was that agency such a one as to merit any longer the sanction of Parliament? He would ask the House to look at this question honestly, and say, whether by consenting to the proposed change of Government they believed they would be doing everything in their power to destroy our Indian empire. He, for one, had no dread of the bugbear held up to them—the intervention of Parliament in Indian affairs. He had been a British colonist, and great use had been made of the argument as to the misgovernment of the Colonies by the Colonial Office. He begged to distinguish the case of India from that of the Colonies. The Colonial Office had misgoverned and mismanaged the Colonies. Nothing could be more true —and why? The Colonial Government, with the best intentions, erred through ignorance. It had to deal with communities that had recently sprung into existence. The transition of the state of things in those communities was so rapid, that in the course of five years a new world was formed around the colonist. Many of those who went to the Colonies to earn their livelihood were in indigent circumstances. A few of them came back to London, and by them false and interested information was given to the Colonial Office, which took steps not, he admitted, for the good of the community, however well designed. Was that the case with regard to India? No Minister, who was willing to open his ears and listen to what was told him, need be long in want of the very best information with respect even to the most distant and most obscure parts of that country. There could be found within the four seas of England men who were able and willing to give disinterested and detailed information about every point, in respect to which it might be desirable to obtain information. It was said, "Oh! what a dreadful thing it is to discuss Indian affairs in Parliament!" But all that he could say as to the feeling of the Colonies on the intervention of Parliament in colonial affairs was, that so great was the desire of the colony in which he had lived to have their affairs discussed by Parliament that they suggested, half in joke and half in earnest, that a sham rebellion should be got up, in order that the attention of Parliament might be drawn to them, for they felt satisfied that the result would be the grant of a constitution to the colony, and that they would be relieved from their sufferings. So he believed it would be with India, if Indian subjects were discussed in that House. The Government of India was at present a bureaucracy—a Government of tradition — and like all bureaucracies, it had no faculty for reforming itself. He was not able to conceive why the House of Commons should be the only body that was to have no credit for common sense, honesty, and patriotism; that it was the only body incapable of informing itself, and was subject to rash presumptions and violent resolutions. That was what was insinuated, but he believed otherwise of the House of Commons, and the Acts of the House of Commons showed that the view he took was a correct one. When the House of Commons, owing in a great measure to the exertions of his lamented friend the late Sir W. Molesworth, became satisfied that the mode of administering the affairs of the Colonies was faulty, they gave those Colonies institutions which not only deprived the House of Commons of their power over them, but which put it out of the power of the House of Commons to take that power back again. He did not believe that the House of Commons would lose its good sense and its dignity in discussing and dealing with India. He believed that the passing of this Bill would be the means, by bringing the Government of India more closely under the observation of Parliament of ameliorating the condition of the millions of India, and he hoped that, by placing the Government of that country in the hands of the Crown, they would enable the Government to herald to the people of India the assumption of the empire by an act of grace and mercy on its part. Severity had necessarily been exercised by us in India hitherto for the suppression of the mutiny, and he trusted that the change of Government would be ushered in by an act of grace and clemency, than which nothing could be more consentaneous, as we all knew, with the sentiments of our Queen. Be that as it might, they had a great duty to perform. The existing machinery was manifestly unfit for the objects for which it was designed, and, although

its existence could be accounted for upon historical grounds, it was only upon those grounds that it could be accounted for, and he certainly could see no reason for protracting such a state of things at a time when, above all others, unity of action and of purpose were necessary in the administration of the affairs of India.

MR. LIDDELL said, most hon. Members would remember that, within the last few years, there had been established in this country a society called the "Administrative Reform Association." The views of that association had been preached in that House and elsewhere on several occasions, but he had heard them sounded that evening in a strain very different from that in which they had been proclaimed to the House on a former and not very distant occasion. On the last night these views were put forward there, there was war to the knife between the bench on which the hon. and learned Member for Sheffield (Mr. Roebuck) sat and that occupied by the leading members of the Government; but, on the present occasion, they had heard the chairman, or ex-chairman, of the "Administrative Reform Association," in one of his able speeches, advocating the transfer, into the hands of those whose system of government required so much reform as to call for the formation of that society, the administration of the entire affairs of India. The association of which the hon. and learned Gentleman (Mr. Roebuck) was a member demanded that the Government of the United Kingdom should be conducted by practical men. Now, this was the very class of men who composed the Court of Directors of the East India Company. What was the great feature of this Bill? The destruction of the independent element. To this he objected, as he, for one, was not prepared to hand over the government of India to the nominees of the Crown. It had been urged, as an objection to the present system, that the constituent body who elected the Directors were old ladies of Bath and London. Now, there were old ladies in other places than among that constituency, who had the additional disadvantage of being partisans; and at all events, the East India proprietary returned men of business, and that was a great point. He thought that the miserable stipend proposed to be provided for the eight new councillors, coupled as it was with a disability to sit in that House, was not at all sufficient to secure the services of able and efficient men. Much had been said of the value of Parliamentary control; but could they be sure that Parliament would always have the means of acquiring accurate information on questions which it might be called upon to decide without much delay? If he could feel convinced that the action of Parliament would be always based upon a knowledge of the facts and an acute appreciation of those facts, he should feel less apprehension at the passing of this Bill; but he had already seen instances of Parliamentary interference. Important changes had already been made in our Indian system. One of these had had the effect of destroying that *esprit de corps* which had formerly existed amongst our civil servants in India. They had destroyed Haileybury, and thereby had thrown open to public competition offices which were formerly reserved for servants of the Company. Now, they had not as yet had any means of judging of the effects of those changes; yet, in the absence of this experience, they were called on to take so important a step as to pass this Bill. He did not wish to be considered as one of the ultra opponents of this measure. He believed that there might be objections to the present round-about system of business and correspondence which had been so clearly described by the right hon. Gentleman the Member for Kidderminster (Mr. Lowe). He thought the bringing of the Council and President together under one roof by the Bill, would save time and trouble, and that the permission given to the minority to record their opinion was a most valuable part of the measure; but he was really astonished that the present time should be selected for making so great a change as that proposed. It seemed to him to be a confession of weakness on the part of the Government to bring forward this Bill at present. It was as much as to say that they had a difficult task to perform, and that they had not the machinery to perform it. Now, with India in convulsion, was it judicious to proclaim to that empire that their machinery was not sufficient for its government. In the speech delivered by him in introducing the measure, the noble Lord at the head of the Government was generous, at least towards the Company; but, in the speech delivered by the Chancellor of the Exchequer on Friday night, that right hon. Gentleman was not only not generous, but he was barely charitable. The right hon. Gentleman alluded to the corruption which

had existed in the government of India during a particular period at the close of last century; but he ought to have reminded the House that that was a period of general corruption. He (Mr. Liddell) ventured to think that, if the records of the Treasury during the same period were searched, they would afford, perhaps, instances of as flagrant corruption at home as any that could be brought against the East India Company or their servants. The House had been told of the advantage which would be sure to accrue from the proclamation of the Queen's name throughout India; but one of Her Majesty's titles was "Defender of the Faith," and he did not know whether that would sound pleasantly on the ears of the Mahomedan and the Hindoo. He did not know that, when proclamation of that title was made by a Government not altogether unconnected with Exeter Hall, and backed by 80,000 British troops, the Natives might not think that their own faith was going to be wrested from them, and the religion of this country forced on them instead. No one respected our religion more than he did; but he believed that nothing could be more fatal to its success in India, and to the future prosperity of that country, than any attempt to compel the Natives by force to adopt the faith of England. They were told that the Company was a phantom; but phantoms sometimes produced awe, particularly when endowed with invisible force and supernatural energy; and he believed that the Natives of India knew perfectly well the Company was supported by the whole power of England. It was a matter of doubt whether the word "sovereign" would produce any particular benefit, for in India rapine and murder were connected with sovereignty in the minds of the people from past historical associations. He thought it a remarkable fact that no one connected with India had stood up and advocated this measure. The noble Lord at the head of the Government had announced that, if this Bill passed, the contract of the Company's soldiers would be at an end, and they would be at liberty to leave their colours. Now, the House ought to consider what might be the effect of such a liberty at such a time upon soldiers engaged in an arduous campaign. The remodelling of the army of India would, doubtless, be one of the most difficult tasks the Government would have to undertake. It was not for him to laud the East India Company; but they might rest assured that though it might suit the Government of this country to cast a shadow—for a time, and for a purpose of its own—over their services, and the people of England might in a moment of excitement be induced to forget past days, yet their deeds were stamped indelibly and eternally on the pages of history, and would secure to the Company for ever the gratitude of England and the world. Notwithstanding that the noble Lord at the head of the Government had said that the argument of time was a paltry one, he (Mr. Liddell) wished it to be understood that, in the vote which he should give, he was not actuated by strong opposition to all the provisions of the Bill, but by a firm conviction that it was brought forward at a time when it would be fraught with injury to the interests alike of England and of India.

Mr. SLANEY regretted that the hon. and learned Member for Enniskillen, whose eloquence and ability every one admired, had not regarded the main question, which, apart from party arguments and party tactics, was, what form of Government would be best for the welfare of 150,000,000 of their fellow-men? He thought it incumbent upon them to look upon the matter in that serious light, and, at all events, to allow the Bill to be introduced in order to discuss its provisions, and to see what improvements could be made, in the management of a vast empire, and the welfare of a great people. He was ready to acknowledge that the East India Company had done many things for which they deserved our gratitude, and words could not express his admiration of those distinguished men and glorious warriors who had under every difficulty so nobly fought our battles in India. The East India Company had put an end to continual invasions and devastations, which destroyed life, left crops to rot upon the ground, and invited pestilence to follow in the wake of famine. The Company had also improved the police of the country, had put down customs of which no one could speak without horror, had deterred infanticide, had extirpated systematic societies for the purpose of murder, had prevented the immolation of widows, and abolished slavery. These and other benefits he honestly and gratefully acknowledged, but would they not have been conferred under the rule of Her Majesty the same as under that of the Company? On the other hand the great bulk of the population of India were in a lower

and more degraded state than any people on the face of the globe. They inhabited one of the richest and most fertile parts of the world, and yet they were worse paid, worse fed, and worse clothed than any other people on the face of the earth. It might be said that all this was according to the climate. Food cost only a penny a day, and clothes not so much—not perhaps 2*s.* a year. It might be said that they were contented. But how was it that famine broke out from time to time, and destroyed and decimated the population? What was the cause of this? How was it that a Government formed from the most intelligent people in the world, and ruling over a most fertile land, should have a population so miserable? The reason was that for a lengthened period they had been the most heavily taxed people in the world. The taxes were levied in the shape of rent, and exacted from the cultivator of the soil under three different denominations of rent. In some places there were zemindars, who had cultivators under them; in others the ryots paid direct to the Government; and in the third class the tax was levied on the community of the village. The main question, however, was, what was the amount? In this country the amount of the rent was generally about one-fourth of the annual produce; but in Hindostan it was nearer two-thirds or three-fourths, and left the wretched cultivator nothing but a paltry pittance to live on. The existence of such a custom was a sufficient reason for some change. What had the Company done in return for these exactions? For want of works of irrigation whole populations were periodically decimated by famine. Canals, railways, and other improvements had indeed, within the last few years, been tardily set on foot; but by a wise and humane Government these enterprises, so essential to the welfare of the millions under their sway, and at the same time so reproductive to the public revenue, would have been commenced long ago. These works had returned 30, 40, and even, in some cases 100 per cent; and Colonel Cotton stated that the benefit to one district amounted to £3,000,000 a year, and £7,000,000 to another. There were only 400 miles of railroad completed in all the vast Peninsula, and the overwhelming majority of the passengers being third-class, showed that the humbler orders were anxious to avail themselves of the most rapid communication when brought within their reach. The heavy rents, however, was not the only burden they had to bear. An impost, which pressed with peculiar severity on the poor peasant, who lived upon rice, was the tax on salt, the price of which was raised at least 100 per cent by the Government. He did not, however, mean to blame the Company for all the evils that existed in India, but these facts showed that improvement, alteration, and change were required in the condition and state of those persons, who were by this Bill to be brought under the protection of the House of Commons. They would receive all care from that House, and if they were oppressed the House would see that inquiry was made into the cause. It might be asked where were they to get a revenue. The way to raise a revenue was to lower the taxation and increase the comforts of the people, and give them an opening for their energy and enterprise. There were no two countries in the world which, under a wise system of administration, could be of more mutual service to each other than India and England. India, blessed with a fertile soil and rich in tropical productions, could supply us with cotton, tea, silk, sugar, indigo, rice, and various other articles of which we stood peculiarly in need; while, on the other hand, if her resources were properly developed, she would be able to take vast quantities of our manufactures in exchange. At present the population of India consumed less than 1*s.* worth of our goods per head, whereas an English peasant consumed at least £2 or £3 worth. The exports from India amounted to £23,000,000 per annum, and her imports are only £13,000,000. It was with a view to provoke inquiry into this unfortunate state of things, and to arouse the House of Commons to a faithful discharge of its high trust to the Natives of India, that he should support the Bill of the noble Lord. But these were, after all, minor considerations. There were higher and purer reasons than these, which ought not to be absent from their minds. It was not alone to increase revenue or trade, or even the improvement of the condition of the people, that they ought to look; but it should be remembered that when their physical condition was raised, it would be followed by an improvement in their moral feelings also; and when that was the case, they might rest assured that hereafter—it might be in the hazy distance—it would lead to the introduction of a purer system of religion. Thus would these countless millions be permanently elevated in their

moral, social, and religious state, to the mutual advantage of both countries.

MR. CRAWFORD said, that when he rose on Friday night to second the Amendment of the hon. Member for Huntingdon (Mr. T. Baring) he abstained from offering any observations to the House, because he felt the great disadvantage of following a speaker who had treated the subject so ably, so forcibly, and so comprehensively. Having, however, accepted the responsibility of seconding his hon. Friend's Motion, on Friday night, he felt it due to himself, to his constituents, and to the House, to state the reasons which had induced him to do so. There were few Members, unconnected with the Government of India, who were better acquainted than he was with the course of proceeding of that Government both in India and at home, or with the peculiar anomalies which marked it. He admitted there were anomalies; but what system was without them? He had listened in vain to the speech of the noble Lord and to that of the right hon. Gentleman the Chancellor of the Exchequer for some better explanation than they had received of the policy on which this change was founded, and the improvements which it was intended to introduce. The noble Lord commenced his speech by repudiating in positive terms any imputation against the government of the East India House. He said:—

"I do not do it in any spirit of hostility to the East India Company. I do not mean thereby to imply any blame or censure on their administration."

The Chancellor of the Exchequer said:—

"I entirely concur with my noble Friend at the head of the Government, that there is no ground for imputing any blame to the East India Company with respect to the present insurrection. I do not believe it possible to show that any vigilance on the part of the Directors in London could have guarded against the occurrence of that mutiny, or that when it did occur it would have been possible to suppress it by measures more vigorous or rapid than those which have been taken. I do not in the smallest degree impute blame to the East India Company or to the individual Directors."

Such an avowal of opinion on the part of a leading member of the Government was an important admission at the very moment when an investigation was about to take place into the causes which prevented the reinforcements from being sent to India as speedily as might be. The noble Lord said, that the commercial character of the Company was lost of late years, and that it had become entirely a political body. He (Mr. Crawford) begged the House to remark the inconsistency of the noble Lord, who, in reviewing what had been done in 1813 and 1833, stated it was a matter of surprise to him that as the commercial privileges of the Company were withdrawn, its political powers were increased; and he emphatically said, that the effect of the legislation of 1833 was to convert the East India Company into a body essentially political, and take away its whole commercial character. Yet one of his great reasons for taking the government out of their hands was that it was a commercial body. He spoke in contemptuous tones of the merchants; nay, he used an expression which would not be altogether palatable to the merchants of this country, when he asked the House would they allow the government of India to be carried on by "a set of merchants." Surely it was not for the noble Lord to cast any reflection on the commercial community; it was the commercial members who constituted the backbone of his support. To say that the East India Company was a set of commercial men, using the word in what was an offensive way, was certainly an exhibition of assumption on the part of the noble Lord which he (Mr. Crawford) was sorry to witness. In referring to the various changes which had taken place in the Government of India, the noble Lord had forgotten to state that on all previous occasions, when any organic change was proposed it was always preceded by inquiry before a Committee of the House, and when he looked to the nature of this Bill he did think it was due to the country that inquiry should be made into the grounds on which the change was based. What were the changes which it was proposed to introduce? In the first place, with regard to the Council, it was proposed that it should consist of eight members; but why that number rather than six, or ten, or twelve? There was a great difference of opinion on this point. Many persons well acquainted with the duties of the East India Board of Directors assured him that when these duties, together with those now discharged by the Board of Control, were thrown on the Council of eight, they would be totally unable to discharge them. The reasons for which that number was selected ought to be submitted to a Committee, that the House and the country might have an opportunity of judging of them. With regard to the composition of the body, the question had been ably

treated by the hon. and learned Member for Enniskillen (Mr. Whiteside), and he had shown how impossible it was that selection should be made free from the influence of political opinions. Again, the noble Lord made an appeal to the House, and said he did not think it was just to suppose that the Members of this House, for any factious purpose, or for the momentary triumph of party would trifle with the great interests of the country as connected with the administration of Indian affairs. He (Mr. Crawford) had not been long a Member of the House, but from what he had read and seen of the House, he did not feel altogether disposed to adopt the view propounded by the noble Lord. How had it been when the case of the colonies, Canada, the Cape, Ceylon, came before the House? By looking to the side of the House from which the Motion came, it was easy to tell what the decision would be. It was impossible that the selection of members of this Council should be made without some reference to political feeling, and any Member who held opinions which were known to be opposed to those of the President would be very apt to find himself supplanted by a more pliant successor. With regard to the number, it was wholly insufficient, and they would find it impossible to get through their duties. How were all the duties connected with finance and the army to be discharged? It was not to be expected that those duties which occupied eighteen gentlemen at one end of the town, could be adequately performed by eight in Cannon Row. He doubted also the wisdom of the exclusion of all the Members from Parliament. If the number was increased, room might very well be found for some members who were not qualified by service in India, and a seat at that Board would hold out a very beneficial prospect to many Members looking forward to political life. The President of the Council, it appeared, was to be entrusted with all the powers of the Secret Committee, so that if Parliament were prorogued on the last day of July, the President might send out instructions to the Governor General to commence a war, and it might be the 1st of March before Parliament knew anything of it. With regard to the patronage. He understood that the President was to monopolise all the patronage which now attached to what were called the "Chairs" at the India House. This included the appointments of the Governors of the Presidencies, of the Commanders in Chief, Judges of the Supreme Court, Advocates General, Chaplaincies, Superintendents of the Indian Navy, Assay Masters at the Mint, and Masters' Superintendents of the Ports: all this was now to be centred in the President; and when it was borne in mind that, in addition to all this, he would have a large share of the additional patronage arising from the diminution in the numbers of the Board, it was an amount of patronage which it behoved the House to be very careful in guarding. He had one other observation to make on a remark he had heard with little satisfaction, and which appeared to him to be only a piece of rhetorical clap-trap. The noble Lord said that the Proprietors of India Stock knew nothing about Calcutta, Madras, or Bombay, except what they learned from the candidates for the Directorship, as to the Presidency to which the cadetship was to belong which was promised in return for their votes. He (Mr. Crawford) did not know upon what authority the noble Lord made this statement, but he must say there were many independent men on that Board who would scorn to barter the freedom of bestowing their patronage as their duty and conscience dictated, and if any such instance had ever occurred it must have been in the case of a defeated candidate. The reason which urged him to give his support to the Amendment was, that a great and organic change of this kind ought to be preceded by inquiry. Before such a change was proposed it was the duty of the Government to satisfy the House and the country, by the ordinary mode of obtaining information, that such a measure was requisite. Let it go to a Committee and be subjected to their decision, and if they reported in its favour, or not, the House and the country would be in possession of information to enable them to decide whether to refuse or assent to the demand. There was one other subject to which he would refer. The noble Lord had said that the Native army in India would probably no longer be maintained at the same amount. From this he inferred, that there would be a considerable increase in the European force; he said the force would be recruited in that country. As far as his (Mr. Crawford's) knowledge of the country went, it would not be possible to recruit any European forces there. But if they were to have a permanent addition of something like 50,000 or 60,000 men to the standing army of this country, there

would be the germ of a large additional amount of Government patronage; and it behoved the House to consider that well before granting the powers required for the raising of that force. With respect to the control which the Council would exercise over the finances of India, he would observe that although the Indian Loan Bill limited the Company's power of borrowing on its own authority to £10,000,000, there was a clause in the Bill which, if it passed, would authorise the Company, or the body which would succeed it, to receive subscriptions to any amount which the Government might authorise. Practically, therefore, the Government would have the power of raising an unlimited sum of money in this country. When the House saw that such extensive powers would be given, whether intentionally or not, to the successors of the East India Company, he thought it ought to exercise great caution with reference to the body by whom India was in future to be governed. The hon. and learned Member for the Tower Hamlets (Mr. Ayrton) said the Natives of India considered the Queen's name a tower of strength, and fled to it as a refuge. He differed altogether from the hon. and learned Member in that view. He did not think the Natives of India appealed to the Queen in Council from any strong feeling that they would have justice, but from the litigious spirit with which they were actuated, and the inducements held out to them by those whom they consulted. He did not think the Queen's name would, as the noble Lord said, be equal to a reinforcement of troops in India. The Natives did not disturb themselves with these things, and he believed that not the slightest effect would be produced on them by the change; therefore, he could not agree with those who thought the present a wrong time to effect any change on account of the impressions which would be made on the minds of the Natives. He believed, however, that neither the House nor the country were in a position to deal with so important a question, and therefore he could not give his support to the Bill of the noble Lord.

Sir HENRY RAWLINSON said, he would not have risen to address the House so soon had he not thought that a few practical observations, the result of at least thirty years' experience, might be of service in enabling the House to come to a decision on the important question before it. He should not attempt to enter upon the historical questions connected with this subject, which had been already so ably and luminously discussed by others, nor would he discuss the particulars of the Bill which had been alluded to by the hon. Gentleman who had just sat down. He would confine himself to the points really before the House, and that he considered to be, first, whether any change in the Government of India was required; and secondly, if it was required, whether this was a proper time to introduce it? Now, a change in the Government of India must be twofold. There must be a change in England and a change in India; it must have reference to the position of the double Government at home and the proclamation of the Queen's name in India. If hon. Gentlemen would only refer to the voluminous proceedings of the Committees of 1852-3 they would find such a mass of evidence condemnatory of the system of the double Government as made it a mystery how that system could have continued to exist to the present time. He could only explain its continuance by an allusion made in another place by a member of Lord Aberdeen's Government, from which it appeared that the defects of the double Government were admitted at the time by the Ministry, but that an abrupt change was counted dangerous; and accordingly the Court of Directors was continued as an interim arrangement, with an infusion of nominees, in order to break the fall of the Company. In speaking of the double Government it would be more graphic to state particular facts to prove its inconvenience than to deal in generalities. He would, in doing so, refer to the constitution of the Secret Committee, and to the relationship between the Court of Directors and the Board of Control. It was considered in popular estimation that the Court of Directors were as a body responsible for measures referring to the internal government of India; and in the petition of the East India Company that responsibility was assumed to exist jointly with that of the Board of Control. But, in reality, in all matters relating to peace and war, negotiations with Native States and other proceedings that belonged to the Government of India, it was not the Directors, but a quorum of three out of the whole eighteen who had anything to do with them. It was a positive fact with respect to the late Persian war that the Directors as a body were ignorant of the

origin of the war, of the negotiations during its continuance, and of the settlement that was at last come to, till they read the despatches in print in the Parliamentary blue-books. He was not prepared to say whether it was just or wise that such a regulation should exist—all he desired to point out was, that if the power was really monopolized according to law by three individuals, and not in the hands of the Directors as a body, it was an anomaly that the whole Court of Directors should in public estimation be held responsible for what the three had done. The other point to which he would refer was the relationship between the Court of Directors and the Board of Control—a point which had already been alluded to by a right hon. Gentleman, who described the system from the official point of view with which he was cognizant. He (Sir Henry Rawlinson) would, on the other hand, try to explain it from the point of view with which he was acquainted. The most graphic illustration he could give of the system would be to describe the gestation of an Indian despatch from the first moment of its conception to the last stage of parturition. The ideas expressed in a despatch were first conceived by one of those able Secretaries whose fine Roman hand might be recognized in the petition which had been presented to the House. Having been thus conceived, the despatch was communicated to the Chairman. If approved, it was draughted or embodied in writing. The Deputy Chairman and one or two other Directors, who were supposed to know something about the matter, were then consulted, and if the draught was approved it was sent marked "P. C." (Previous Communication) to the Board of Control. It went through a certain manipulation in that Department, of the details of which he was not cognizant, and came back to the Directors embellished with red ink—those mysterious looking characters in red ink being of the essence of the whole document. When there were additions or alterations marked on the margin it was submitted to a Committee of the Court—a body consisting of five or six individuals. The despatch was examined by them, and compared with the collection of papers referring to the subject, and it sometimes lay for a week or even three weeks on the table of the Committee. If there was any disagreement in the Committee with regard to the despatch the Chairman and Deputy Chairman were consulted. Finally, it was passed either as it came up in red ink from the Board of Control or with alterations. All these were merely preliminaries. It now went before the General Court to be examined by the whole eighteen Members, and lay on the table a week for inspection—sometimes even three weeks, or a month. He had known such a document lie on the table for more than a month. If it was agreed to, it was passed on a second time to the Board of Control for approval; but if the Board of Control found that it differed from the state in which it was sent to the Directors, the alterations were reintroduced in red ink, and it was sent back again to the Court of Directors. When it arrived a second time it was again submitted to the Committee of Directors, and went through the same process as before, being either altered or approved. If approved of, it was passed; but frequently it was not approved of as altered. If it was not approved of, it was necessary to draw up a remonstrance, which remonstrance after having been discussed in Committee, was transmitted along with the despatch back again to the Board of Control. Some of the members, perhaps, entered their dissent from the remonstrance, and this also was sent to the Board of Control. If the President thought that the original alteration should be adhered to—the remonstrance being of no avail—he was bound by law to give his reasons in writing; and the Despatch was sent back once more to the Court of Directors, upon whom it was then imperative to transmit it to India. Now, he asked any reasonable man whether a more destructive or unbusiness-like series of proceedings could possibly be conceived. It was true that in cases of emergency the forms might be simplified and moderate despatch might be attained; but what was to be thought of a system which, whenever a time of trial arrived, required to be superseded? His belief was that when the present system of double Government had passed away, the only feeling it would leave behind would be one of astonishment that it ever could have existed. In considering the second part of the proposed change with regard to India itself, he would take the liberty of looking at it from two points of view,—in the first place, as it would affect and be judged by the European community, and, in the second, as it would affect and be judged by the Natives. With respect to the Europeans, so far as he had

had an opportunity of forming an opinion, he believed that, with the exception of a very small section of the old exclusive covenanted civil service, there was no party in India that would not prefer the Government of the Crown to that of the Company. There was probably no gentleman who had enjoyed better opportunities of forming an opinion upon this question than Mr. Halliday, the present Lieutenant Governor of Bengal, and there was certainly none on whose judgment we could more safely rely. The following was a portion of his evidence before the Select Committee :—

"Do you think that there is any practical loss of power to the Government of India by its being carried on in the name of the Company ?—I think there is. One sees every day in India among the Natives a disposition, erroneous, and ignorant, and prejudiced it may be, but still undoubtedly prevailing, to exalt anything that belongs to the Crown over anything that belongs to the Company. In the army, officers are proud of being in the Queen's army. I think that a disposition may be traced among the officers of the Indian army to desire that they should be considered or placed upon the same footing with the Queen's officers generally. So, in other things, the Queen's Judges and all officers belonging to the Crown are looking on in a higher light than officers belonging to the Company.

"I understood you to say that you believed the Natives would regard with much more reverence the Government of the Crown than that of the Company :—I think they would be apt to do so. It is consonant to the general national character, I think; and it arises out of the kind of idea they would form of a Government farmed out, in consequence of their historical experience of the result of such methods of administration in India.

"Without making yourself responsible for the mode in which a Government under the Crown, administered directly from the Crown, should be carried on in India, or without pretending to say how that could be made to work in unison with our representative system here, is it your opinion that the Government should be carried on in the name of the Crown ?—I think so.

"I understood you to state that in saying so you were expressing the opinion of many intelligent persons in India also engaged in the service ?—Undoubtedly I am."

Mr. Marshman, who was examined shortly afterwards, was a man of extraordinary intelligence, whose knowledge of the Native character was second to that of no European in India, and who might be taken as the representative of the independent European community in India. He was asked—

"Is it your opinion that if it were known that the country was governed directly from the Crown of this country it would increase their reverence for the Government ?—I think if the name of the Crown were brought forward more prominently it would certainly be highly advantageous.

Sir Henry Rawlinson

"What is your opinion on this point—Do you think that the Government should be carried on in the name of the Crown or of the Company ?—There would be great advantages, I think, in carrying it on in the name of the Crown—that is, in substituting universally the name of the Crown for that of the Company."

His own experience of the military service certainly pointed to the same conclusion. No doubt among both the military and civil officers of India there was a strong *esprit de corps*. They prided themselves on belonging to the Indian service, which had produced such great names in history from Clive and Hastings, in the days of their fathers, and the Lawrences and Outrams of the present generation ; but they did not entertain any feeling of reverence at all for the East India Company of London as represented by the Directors and Proprietors in Leadenhall Street. On the contrary, all their aspirations were associated with the name of the Queen and with the rewards bestowed by the Crown, from which they received their rank and honours. The warrant issued a few years back, recognizing the validity of their commissions in all parts of the world, was hailed as the greatest boon that could have been conferred upon them, and he was satisfied that—always provided the substantial benefits attached to the service were continued—the transfer of the government from the Company to the Crown would be received throughout India with great and general satisfaction. With regard to the Natives he was persuaded that in ordinary times the change from the government of the Company to that of the Crown would not produce any appreciable effect upon the agricultural population or even the lower military classes. The uneducated people of India were much more susceptible to individual or local influences than to the effect of any abstract questions of government. There was no such thing as public opinion or a feeling of nationality in India; but in its place there was extreme docility, and the working classes were much more under the influence of the immediate and visible superior than under that of the invisible power which ruled them from beyond seas. Two remarkable illustrations of this were afforded by what had occurred last year. The Scinde horse were composed of the very same inflammable material as the Bengal army—the high-caste Hindoo and the sensitive Mahomedan—and yet there had not been a murmur of dissatisfaction

among them throughout all the disturbances, simply on account of the individual character and conduct of Colonel Jacob, their commander. So with the Punjab. With the exception of the Sikhs, who were a small minority, the population of the Punjab consisted of men who shared all the feelings of the rebellious Sepoys, and yet they had remained perfectly tranquil, simply because they had full confidence in the honour and ability of Sir John Lawrence. It was impossible, indeed, to overestimate the power of individuals when brought into communication with the Natives of India, and he was justified in saying that the local authorities had far more influence over them than any abstract question of government, whether in the name of the Company or of the Crown. But the case was different with the educated classes, who were constantly reading translations of English newspapers, and, in fact, were rather prone to discuss abstract questions. They understood the difference between the Crown and the Company as well as we did; and, although he had conversed with thousands of them —not merely in India, where they were under some restraint, but in Turkey, Arabia, and other countries, where they spoke more unreservedly—he never found any difference of opinion among them as to the superiority of the government of the Crown over the Company. On the contrary, the tendency with them was rather to overrate the political power of the Company and underrate that of the Crown. If he were asked what would be the effect upon them of the proposed change he would reply that the question was simply one of the loyalty or disloyalty of individuals. If they were loyal they would like it, as increasing the power of the Government; if disloyal, they would dislike it, as affording less scope for agitation and intrigue. He now came to the question whether the change—supposing it to be desirable in itself—should be carried out at the present time. The demand for delay was a very specious and attractive one, and likely to have the support of many sections of the public. It would be agreeable to those who were opposed to the Bill on principle; it would be agreeable also to those who, though approving the principle of the Bill, really thought that the present was a bad time for introducing it; and it would be agreeable further to those who had not yet quite made up their minds on the subject, and who required more time for its consideration. He thought, however, that the reason for delay must be peculiarly strong, and the dangers to be apprehended from immediate legislation clearly proved, before the House would consent to hang up a great question like the present, when they were actually engaged in discussing it at the request of the Government. The statements made by the advocates for delay in order to deter the Government from legislation are irreconcilable one with the other. On the one hand, it is said, that if the change were accomplished, the mutinous Sepoys would consider that they had obtained a great triumph; and, on the other hand, it was supposed that the people of India would be filled with alarm at being handed over to the Queen's Government. It was quite impossible that both these anticipations could be true, and it was his belief that neither one nor other of those results would take place. The evil-disposed could not become elated at finding that a stronger Government had been substituted for a weaker one, that there was no cessation of hostilities, and that the officers acting against the insurgents were able to act with greater harmony, and consequently more force, because they would belong to one service. It had been said that the mutiny should first be put down before the proposed legislation took place. Now, if it were a mere military mutiny we had to deal with, he thought he might say that the mutiny was put down. It was true that we still encountered considerable opposition in Rohilcund, Central India, and Oude, but the disorder now existing partook more of the character of a civil revolt than a mutiny, and as such the supremacy of the Government must be reestablished by force of arms, or otherwise, as was most consistent with it own dignity. Now, he would not contend that the name of the Queen would operate as a charm in pacifying the troubled waters of India; he doubted, indeed, whether the country at all appreciated the extent of the civil difficulties in India. He had seen letters from the first civil officers there, describing a deplorable state of things. They complained that there was now a great chasm between them and the Native population, which could not be bridged over; that there was no common ground on which they could approach the Natives, in order to draw their sympathies towards them; that all the old land-

marks were cut away, and mutual confidence destroyed. How, then, was order to be restored? He did not suppose that the Queen's name would do everything; but he believed it would prove a powerful instrument for the re-establishment of tranquillity. He therefore looked upon a proposition like the present a most wise proceeding. It met the requirements of the occasion,—served, in fact, as a new starting point, and as a basis for the construction of a new Government. It invited the people to look forwards, instead of backwards, and to indulge in hopes for the future, instead of regrets for the past. Moreover, there were a number of changes which it was essential for our rule in India should be introduced at the present time. All the requisite ameliorations could not be hung up and delayed, but must be brought on whether the proposed Bill pass or not. There were considerations of finance of the most important character, and there was the subject of the re-organization of the army, which was of absolute necessity. Then, the question of the tenure of land was of equal moment; and, above all, there was the system of administration which must be reformed. Was it not, then, a common-sense view of the subject, when it was desired to induce the people to forget the past, and when certain changes must be introduced into the administration, that this occasion should be taken advantage of, in order simultaneously, or nearly so, to introduce the proclamation of the Queen's name as the immediate ruler of India, to inaugurate the new system? The effect would not be to alarm or depress, but to elevate and encourage the minds of the Natives. That was his honest and positive opinion; and, in corroboration, he would read a passage or two from some letters recently printed, written by an officer employed in the disturbed districts in India, and who was a competent judge on the point. Captain Meadows Taylor said,—"I adhere to my opinion that a Government on the part of the Crown will be the best policy to pursue, and there can be no doubt that a double Government will not answer." In another passage the same officer said—"I am delighted to see the question of the Queen's Government openly canvassed, and it should be carried steadily through till Queen Victoria's proclamations are in every village of India belonging to her." He (Sir H. Rawlinson) entirely agreed in that opinion. He had only one further remark to make in regard to the apprehension of danger on account of the time of the introduction of the present proposition. It was now three months since this subject was openly announced as a subject for legislation. Another period of three months would probably elapse before the Bill assumed a definite form; and it was therefore self-evident that, if danger was to be incurred from the proposition, it would have been incurred before the Bill ever came into operation. At any rate, the hanging up of the Bill for an indefinite period was fraught with exceeding peril. Publicity was given to all these discussions, and the people of India had been led to believe that the East India Company was doomed. A mere respite would have a most prejudicial effect. The authority of all the Company's officers must be weakened; disorganization must follow, and a state of things ensue which might cause the new Government, when introduced, to fail. He trusted that, while supporting the Bill and deprecating delay, he might not be considered as committed to an unqualified approval of the details of the measure. There were many minor points which he wished to see altered. He quite agreed with those who thought that the number of Councillors was too little, and that the Council would not be sufficiently strong for the transaction of the business devolving on them. He also looked to see the independence of the Council more effectually provided for. Whether that might be done by the introduction of the elective element or otherwise he should not at present presume to say; for he thought such points would be more conveniently discussed in Committee on the Bill. He thought that until they had some definite idea of the exact provisions of the Bill it would be almost out of place to attempt to discuss them: but he should be quite prepared in Committee to disagree from the Government on other points on which he thought the provisions of the Bill inadequate.

SIR JOHN WALSH said, the hon. and gallant Gentleman who had just sat down was a formidable witness against the merits of the double Government, for he united a perfect knowledge of the mode of procedure with a very inimical spirit towards the whole system. It did not appear to him, however, that the hon. Gentleman had completely established his case. His statement seemed to amount to this,—that this double Government was not

merely a form, but had a practical and real existence, and exercised some influence over the march of events in India. Would the hon. and gallant Gentleman wish it to be otherwise? Would he wish it to be a mere phantom? In such a case, the sooner so empty a form was abolished the better. He thought the hon. Gentleman had shown in his interesting account of the progress of a despatch that when a difference of opinion occurred upon any important subject the Court of Directors, or the Secret Committee, did not as a mere matter of course bow to the *dictum* of the Board of Control, but that these questions were duly discussed and considered. It was true that such a process might entail some delay. There were occasions on which the least delay of despatches might be dangerous, but in most cases it was desirable that the questions to be dealt with should be duly weighed in all their aspects, and that the suggestions of the members of the Court of Directors, who were supposed to possess some acquaintance with the internal affairs of India, should receive due consideration on the part of the Board of Control. He thought, therefore, that the double Government was not a mere phantom, but that it had a tendency to prevent the Board of Control from arriving at rash conclusions. The principal objection urged against the double Government was that it was cumbrous and inconvenient, but that objection applied to all contrivances for the limitation of absolute power. The noble Lord had especially dwelt upon the difficulty which was caused by the distance of the two establishments in Cannon Row and Leadenhall Street from each other. No doubt Ministers found the doings of deliberative bodies occasionally troublesome, and tending to delay that speed which just now they seemed so much to affect. There were other deliberative assemblies besides that one in Leadenhall Street; there were two great powers in the State whose respective places of meeting were by no means so far apart as Leadenhall Street and Cannon Row; and yet these bodies sometimes interfered, delayed, or stopped altogether projects which Ministers would no doubt much rather have had at one *coup* become statutory enactments. But the public had found, not without passing through some tolerably sad experiences, that speed might be a very good thing in its way, but that the constitutional check of deliberative assemblies was a better. The inconveniences complained of therefore were among the necessary conditions of anything like free government, or any approach to limitation of authority. He (Sir J. Walsh) had been surprised at the paucity and poverty of the reasons alleged by the noble Lord (Viscount Palmerston) for the overthrow of the existing system of Indian Government. He had supposed, when the noble Lord gave notice of his intention to introduce this Bill, that he was about to bring forward some strong case against the East India Company on the ground that their conduct had led to the calamities which had recently occurred. He was surprised to find, however, that instead of taking such a course, the noble Lord addressed the Chairman of the Company in terms of laudation, assuring him that no blame was imputed to the Company, and that he regretted to be under the painful necessity of extinguishing a body of gentlemen for whom, upon public and private grounds, he entertained such sincere regard. If, then, the Court of Directors had no connection with the calamities which had occurred in India, what was the secret of this particular moment being selected for proposing the abolition of that body? It appeared that so lately as 1853 —having, no doubt, given full and anxious consideration to the subject—the Cabinet arrived at a unanimous resolution to maintain the existing system, which as the hon. and learned Member for Enniskillen (Mr. Whiteside) had shown, had been defended not only by the votes, but by the elaborate arguments, of some of the leading Members of the present Government. Hazarding a conjecture, he (Sir J. Walsh) could only suppose that the measure was brought forward in consequence of the unfounded public clamour which had been directed against the double Government. At the present day it was rarely that a Government originated a measure, it only yielded to pressure from without, but in the present case it was not impossible that Government, not unwillingly, caught at the popular cry, through the desire of acquiring additional power, popularity, and patronage. When the noble Lord proposed to extinguish the Company without assigning any reason for it which did not exist in 1853, he could scarcely be in earnest, but rather indulging in that vein of vague pleasantry for which he was so remarkable. The noble Lord had denied that any considerable amount of patronage would accrue to the Government under the operation of

this Bill; but it was impossible that new and important offices could be created in this country and in India without increasing to some extent the patronage of the Ministry. It was surely idle to contend for a moment that this great change could be made without throwing an immense amount of patronage into the hands of the Government. What was that change? The noble Lord had stated that the Council was to be appointed by the Government. They were not to be appointed for life; they were to go out of office in rotation; and necessarily there would be more or less of political partisans who would look to the Government of the day to re-elect them, or to confer upon them still more lucrative appointments. Was it to be supposed that the Government would confer these offices upon any but their own friends? Was there a case in Ireland or in England, with a very few and rare exceptions, where it was not perfectly well understood, without any blame being imputed to them, they would confer all offices of trust upon their own supporters? But this was not all. The Governors of the different Presidencies were also to be rendered absolute in their own sphere, because they would have the appointment of their own Councils, which at present were appointed by the Court of Directors; and these Governors themselves would be taken from the political supporters of the Ministry. When was it ever heard of that a Minister took his Governor General or Governor of a Presidency from the Opposition side of the House? It therefore appeared to him that the new President or Secretary for India, the Councillors he appointed, the Governor General, and the Governors of the Presidencies, with the Councils they respectively appointed, would all be necessarily tinged with party feeling. They had been told indeed that there would be little patronage connected with the Indian army, because that army would necessarily be reduced. It was, perhaps, premature to speculate upon what the changes in the Indian army might be, but they were sure of this, that there would be a great increase to the English officers of the Indian army. If the revolt were suppressed, as he fully believed it would be, there must be a great infusion of European blood, in order to counteract those tendencies which had already so seriously shaken our authority, and thus a new species of patronage would be largely and indefinitely extended. It appeared to him, moreover, that the gravest constitutional difficulties would soon arise from the control possessed by this new and absolute government over Indian finances. The revenues of India were, he believed, now about £30,000,000, the whole disposition of which was to be centred in the new authority, while the responsibility of this House would be very limited and illusory. The noble Lord's proposition was, not that Estimates should be presented, and that there should be no previous discussion as to the necessities of the service, but that some months after the Council and the Secretary for India had raised the funds, and applied them according to their own pleasure, there should be an audit of these accounts, which should then be laid on the table of the House. Under such circumstances, was it not evident that the supervision of the House of Commons would be a mere phantom? Generally speaking, unless some special point had roused public attention, the accounts would pass *sub silentio*, and in point of fact the whole of this vast revenue would be placed entirely in the hands of the Government and their dependents in India. Another point for consideration was that the double Government now served to prevent the collision of two systems utterly opposed to each other, and which he was convinced could not come into close proximity without danger. He alluded to the absolutism which was necessary in India as contrasted with the free constitution which existed here. There was not one Member who had addressed the House—not even the hon. and learned Member for Sheffield (Mr. Roebuck) so well known for his devotion to the cause of free government—but had acknowledged that it was impossible to extend free institutions to the people of India. We must govern India and well, we must govern her beneficently and unselfishly; for her own benefit rather than ours, but we must apply to it the famous Austrian maxim—"Everything for the people, but nothing by the people." He believed that the arbitrary system necessary in India would not work in unison with our own, that collisions would ensue, the principles of the two Governments would encroach upon each other, and the consequence would be either that disorder, anarchy and confusion would arise in India, or else that our own free institutions would be insensibly modified by the contagious example of arbitrary

Sir John Walsh

government. This was the danger to be apprehended from the establishment in India of a pure autocratic and absolute form of government of the most unmixed character, sweeping away entirely the limitations which had hitherto prevented it from assuming that character. It was said that by the plan proposed you would let in upon India the influence of British public opinion, which would work miracles. Now, he had a great respect for public opinion, though he confessed he had not that implicit belief in it which inspired some hon. Members. Public opinion was the great motive-power of society here, but it was one which must be regulated and directed, which must have its cogs, its wheels, and its governor, as well as its piston, and above all, it must have its safety valve; and if you sent English public opinion to run riot in a country without the knowledge requisite for its wise and salutary influence, it would, instead of proving a source of happiness and improvement, throw the country into confusion and be the destruction of our Indian empire. It appeared to him most necessary that a body of men well acquainted with India, and with the peculiar characteristics of the Natives of that country, should be constantly interposed between them and the direct influence of opinion in this country. There was an immense difference between the Asiatic and the European character; the fixed way in which the one clung to the usages, the laws, the ideas, and the customs which had been handed down to him, and the incessant activity of the other, his constant enterprise, his perpetual love of change, his yearning after improvement. In England they were scarcely the same people now that they were ten years ago. In India they were scarcely changed since the days when Arrian wrote the history of Alexander. It was therefore in the highest degree expedient that in bringing into closer contact elements so dissimilar that the greatest caution should be observed. There was another question which he wished to approach with the greatest delicacy, conscious that it excited a great and natural interest in the country—he meant the religious question. One consequence of the passing of this Bill would be, that public opinion which would in that case be brought to bear with tremendous effect upon India, would demand, as it was now demanding, that our policy should be changed with regard to the propagation and extension of Christianity in India, and he thought the adoption of such a change would be fraught with inevitable destruction to the Indian empire. Every one knew that the greatest boon to India would be the conversion of the Natives to the pure religion of Christianity. But they were also aware that there was great difficulty in the way of realising that object; that the great landmark of the Native religion had been scarcely changed for centuries, and that they were more wedded to the dogmas of their false religion than the inhabitants of any other nation on the face of the earth; and that it was only by proceeding with the most cautious steps—by convincing them of the truth of what we all said, but which they did not believe—that we did not intend to resort to compulsion—it was only in that way we could tranquillise the people. On all these grounds it appeared to him that the time for the measure was singularly ill-chosen. He saw no emergency—no case made out against the present system—nothing to prove that those who had carried it on were to blame. He believed that was an ill-considered measure, and that Ministers in introducing it were bowing to a short-lived popular cry; and believing that, he would vote against the introduction of the Bill.

MR. ARTHUR MILLS said, that the various subjects connected with the local administration of India had in his opinion been somewhat unnecessarily dragged into the discussion of the question before the House, which was simply whether leave should be given to the Government to introduce a measure for the simplification of a system which, if the testimony of the hon. Member for Reigate (Sir H. Rawlinson) was to be accepted, was a cumbrous contrivance for the promotion of delay and the concealment of responsibility. He had studied this question with all the ability he possessed, and for his own part he was utterly at a loss to understand how anybody could arrive at a different conclusion. It was impossible, he thought, to read the evidence of Mr. Waterfield and Sir J. Melville without being alive to the fact that it was extremely difficult to ascertain with which branch of our Indian administration the initiative rested, whether with the Court of Directors or the Board of Control. The apportionment of the duties of government between the two bodies rendered the working of the system to so great an extent impracticable and incapable of explanation that it could with no degree of justice be denied that a fair

case had been made out for its abolition. While, however, he entirely concurred in that view of the question, he was altogether opposed to regarding the measure before the House in the light of a Bill of indictment against the East India Company, nor did he believe that it had been introduced in any such spirit by Her Majesty's Ministers, notwithstanding certain observations which had on the Friday previous fallen from the right hon. Gentleman the Chancellor of the Exchequer. He had, indeed, been not a little surprised to hear some of the charges of mal-administration which had been made against the Company; and those who urged it as an offence upon the part of the Court of Directors that a sum of £80,000 had at one period been spent in a single year in the shape of secret-service money would, he thought, do well to bear in mind that a very large portion of that sum had been expended in bribing Members of Parliament, and that it had been laid out, too, in times such as those of Sir R. Walpole, when corruption pervaded more than one department of the State. To say that the East India Company was corrupt at that time was only to say that it was not advanced beyond the then prevailing standard of political morality. Neither could he (Mr. Mills) consent to make the Company the scapegoat for all the recent troubles. In dealing with a question such as that raised by the Bill, having reference as it had to a season of public calamity, the first point for consideration which occurred to some minds was, who was to be hanged? and in the present instance the President of the Board of Control, the Governor General of India, and the hon. Member for Guildford (Mr. Mangles) and his colleagues, had each in turn been suggested as proper subjects for execution. He, however, had no desire to see execution done on anybody, inasmuch as he was disposed to believe that those various functionaries had performed very perplexing duties with integrity and intelligence, and had failed in discharging those duties effectively only because the system was one the difficulties of which it was out of their power to overcome. But what he wished to see was, that in any case of future maladministration—and there might be such a thing in future—they might know at once where to fix upon the wrong-doer without preliminary inquiries by Parliamentary Committees. But on this occasion they were met by the plea of the hon. Member for Huntingdon, that this was not the time. In his opinion, if they did not seize the present opportunity of making a reform in the Indian Government, they would not have another. It was only under the pressure of calamities which compelled us to consider the subject, that we ever legislated for our dependencies. The arguments for delay were of very little weight. He looked upon the present measure as one of the most essential steps towards civilizing India, and, therefore, reserving his objections to certain points in which he thought the measure was objectionable, he should support the introduction of the Bill, in the confident hope that it would be the commencement of a new and brighter era in the administration of our Eastern empire.

Mr. WYLD said, it was his intention to support the Bill of the noble Lord on wholly different grounds to those on which its advocates had generally rested their support. He would not go into the history of the Company for past years, as it was his opinion that the renewal of the East India Company's charter had been a condonation of their past shortcomings. They had to deal with the India of to-day, and his objection to the present system of government was that it consisted of what was called a double Government. The right hon. Gentleman the Vice President of the Board of Trade had shown that there was no double Government at all—that the Government of India was bureaucracy, at the head of which was the President of the Board of Control, and that the Board of Directors were only his servitors. They had not even the power of writing a despatch to any of the Governors of the Indian provinces. If that were so, and the monarch of Canon Row were the real Governor of India, then the Court of Directors was but a screen to cover his errors. His (Mr. Wyld's) objection to the present system was, that it was unfitted for the requirements of the age. The Bill of Mr. Pitt, constituting the double Government, was passed at a time when our possessions in India were comparatively limited in extent, and had that statesman survived to witness the present enlargement of our empire he would never have agreed to so unsatisfactory a form of administration. It must be remembered, too, that our interest in India was continually increasing. The Russian war had been undertaken in great part to check the aggressive designs of that Power in the East, and the recent

Persian war had been commenced with a similar intention. No movement in Asia could take place without affecting imperial interests, and therefore he deemed it to be most desirable that some legislation should take place upon this most important subject.

MR. DANBY SEYMOUR said, that the discussion was in the extraordinary position that all the speakers were on one side; for, in the course of that evening, only those hon. Gentlemen had a word to say who were against the measure of the Government; consequently he felt it his duty to make a few observations. The only argument he had heard that evening which appeared to require notice was that of the hon. and learned Member for Enniskillen (Mr. Whiteside), who complained that the noble Lord at the head of the Government had not made any accusation against the East India Company. The fact was that, up to the present time, the Board of Control and the Court of Directors had acted well together, and there had been no difference between them; but the ground upon which a change was proposed was not any fault on the part of the Directors of the East India Company; it was a distinct objection to the system which prevailed at present. That system, he thought, fully deserved the epithet of cumbrous, and its working had been well exemplified in the history of a despatch which had been given by the hon. Member for Reigate (Sir H. Rawlinson). Those who were interested in railways or other industrial undertakings in India were fully acquainted with the difficulty of obtaining decisions upon particular points, from the necessity of reference from one branch of the Government of India to the other. There was no secretary to a railway company but what must have found the difficulty of getting answers to his inquiries, when it was perhaps necessary for him immediately to send out letters to India. He came to the Board of Control, and stated that the India Board declared that letters asking information had been delayed there, and *vice versa*, so that business which ought to be transacted in a day or two often took months to get through. Surely this was a cumbrous system with reference to the Government of India, which ought not to be allowed to continue. Changes had been made in India itself of late years; a centralization of authority had taken place; Boards had been abolished, and individual responsibility introduced. The alterations now proposed at home were of the same kind which had been made in India itself, and were only intended to simplify the administration of affairs, and to fortify our rule on that vast empire. It was surely time to attempt to see what could be done to remedy defects in the home government of India, which were acknowledged by all, instead of continuing to perpetuate them. An energetic race of administrators had sprung up in India, of whom men like the Lawrences formed the type, and it behoved the Parliament of this country to encourage their efforts. The Court of Directors was surrounded by traditionary influences, and he could refer to many instances in which, under the operation of those influences, it had prevented measures being carried into effect which would have been eminently beneficial and successful in India. Again, was there any difference of opinion in India as to the necessity for the proposed change? What said the people, composed alike of Native and European inhabitants, who had for years past petitioned the Legislature in reference to grievances under which they laboured? Almost without an exception they attributed those grievances to the existence of the double Government at home, and prayed for its abolition, as the first step to reforms which they wished to see carried out in India, and at the same time that they prayed for the abolition of the double Government, they also asked to be placed directly under the sovereignty of the Queen. One objection taken in that House was, that with the proposed change in the home Government, there would likewise be a change of policy in India; but he saw no strong grounds for believing that any such change of policy would be attempted to be introduced. He did not think that the Natives would anticipate such a course being taken. The principal change that might have been apprehended was a change in religion; but he thought the discussions which had taken place in the two Houses of Parliament were calculated to reassure the people of India on the subject, and to convince them that the spirit, not only of the Government, but of the Legislature and the people of England, was diametrically opposed to everything like forcible conversion, whatever else might have been inferred from the tone of certain religious meetings outside the walls of Parliament, and that, on the contrary, as we valued liberty of conscience ourselves, we would not see it violated in the

case of the people of India. The Company had been much blamed for not assisting the spread of Christianity in India, but they had been much misrepresented. No doubt the policy of the Company had been one of strict neutrality in matters of religion; but he would remind the House that that policy was not a whit more attributable to the Directors than it was to the Board of Control, which represented the Government. There was another question on which the minds of the people of India might be reassured, and that was the employment of Natives in offices of trust. A considerable portion of the country remained as it was before the mutiny, and the people continued firm in their allegiance to our rule. He thought he might state that it was the will of this country that an independent policy should be followed out in the employment of the Natives of India. That policy was recommended by Lord William Bentinck; and, so far as it had already been adopted, it had been entirely successful. But there was one change which he thought might be beneficially carried out, and that was the encouragement of English settlers in India. The policy of the Company had certainly been opposed to the settlement of independent Englishmen, notwithstanding, twenty-five years ago, Sir Charles Metcalfe, in a remarkable paper, strongly recommended its encouragement. The result was, that the number of British settlers at the present time was scarcely larger than it was then. What had been the case in the neighbouring colony of Ceylon? Not many years ago Ceylon was a dependency of the East India Company. It was subsequently transferred to the Colonial Office; and what was its condition now? There was a vast number of English settlers in Ceylon, and a large amount of capital had been transferred there, which was now being profitably employed. At the time the East India Company held it, not a pound of coffee was grown in the island; but now the exports in coffee alone amounted to between 40,000,000lb. and 50,000,000lb. a year. Some years ago it was proposed to retransfer Ceylon to the East India Company; but the settlers petitioned, as a body, that they might be allowed to remain under the Colonial Office: and yet, look at the opposits coast of India, which possessed the same soil. The people of that coast emigrated to Ceylon, to Singapore, and even to the West Indies, to find a field for their labour, while there was little or no coffee grown on that coast. Sir Charles Metcalfe always held that, without colonization, and without a sufficient European army in India, he could never hope to secure favour for our empire there in the eyes of the Native population. He (Mr. D. Seymour) held, in conclusion, that this was the very time when, as he hoped, the terrible crisis was passed which had convulsed that unfortunate country, and when peace was about to be re-established—to make that change in the government which must have come sooner or later, and to show the people of India that henceforth their allegiance would be due, not to the East India Company, but to the Queen.

Mr. ADAMS said, he would not have risen to address the House had it not been for the surprise expressed by the Secretary to the Board of Control at the one-sided character of the debate. The hon. Gentleman seemed not to be aware that it was the duty of Government, when it came forward to propose the abolition of an ancient body, such as the East India Company, to show that it had in some way forfeited its claims to the confidence which it had so long enjoyed, and that it did not lie on the defenders of the Company to prove that it had done nothing wrong. It was not for lack of argument that the opponents of the Bill had remained silent, but because they were, in fact, listening to know to what they would have to reply, and having followed the noble Lord and those who had succeeded him in favour of the Bill with the greatest anxiety to discover what were the delinquencies of the Company, the only reason which he could gather from them for the proposed change was, that Leadenhall Street was too far from Cannon Row. Surely that difficulty might easily have been got over by accommodating the Board of Directors in some part of the magnificent new public offices which were in contemplation. As to the charge of delay produced by the roundabout mode of procedure described by the hon. Member for Reigate (Sir H. Rawlinson) in his amusing sketch, it was scarcely necessary to go as far as Leadenhall Street for that. The East India Company was certainly not the great original of the Circumlocution-office, and the picture which the hon. and gallant Member had drawn would do very well for offices not quite so distant as Leadenhall Street. One argument in his mind against the Bill was that if it passed, the House

would lose the benefit of the practical knowledge, joined to admirable powers of expression, possessed by the hon. and gallant Member for Reigate, for it was quite clear, with the great accord existing between him and the Government on this question, and the little accord existing between him and his present colleagues, what would be his destination when the new system was established. The noble Lord had argued that, as the war in the Crimea showed the impossibility of carrying on a war with a divided military administration, so the mutiny in India had shown the deficiencies of the present system of governing India. But were the two cases at all comparable? In the Crimean war our military administration got into a state of inextricable confusion —cannon sent out without shot, shot without cannon—troops without the means of moving from the shore on which they were landed — men dying by hundreds for the want of stores which were rotting in a transport close at hand — all went wrong, and a change of some sort was imperatively necessary. But had any complaints of a similar nature been brought against the administration of India? On the contrary, the language of compliment had been exhausted by the noble Lord, and those who had followed him, towards the Company. Every speech that had been delivered in favour of the Bill either proved that there was no necessity for any change, or else that this Bill would in fact effect no change at all. It was said that all the old modes of administration were to be retained, but the real question to be answered in reference to that part of the argument in favour of the Bill was, what would be the effect of the change on the Natives of India? It might be that this was in reality only a change in appearances, but would that be the aspect in which it would appear to the Hindoos, so easily imposed upon, and so open to the misrepresentations of designing persons? The Sepoys were at present in open rebellion against the Company, and if they were to learn now that the authority which they had cast off had been destroyed by the strong arm of the home Government, the effect, as regarded the suppression of the mutiny, would be most disastrous. Therefore, whatever necessity there might be for making a change, this was not the time. If the Government had stated that the abolition of the Company was necessitated by any neglect of duty or by the obstacles which it had thrown in the way of suppressing the mutiny he would have supported their proposition, and been ready to place the Government of India in more efficient hands. But there was no such insinuation. On the contrary, when the matter came to be inquired into he believed it would be found that "throwing the reins on the neck of the Company" was not quite a correct definition of the conduct of the Board of Control in the late crisis, and that if there had been any delay it had been created not by the Company, but by the unnecessary meddling of those much less competent to manage Indian affairs. Another reason for not making the change was that it was scarcely fair to take from the officers of the Company, who had gone through all the danger and labour, the crowning honour of restoring peace and tranquillity. There were men on the India Board in whom the utmost confidence might be placed—men who might challenge comparison with any department of the Government—men who were certainly sneered at as being commercial men; but he knew no men who were more competent to conduct affairs of business than commercial men. Each of the Directors had been chosen by the possessors of stock, who had a strong interest in selecting men most likely to promote the interests of India. Some hon. Members had referred to the former state of India, and the mode in which the government of that country had been carried on, and any one who was unacquainted with the real state of the affair would imagine that the existing Company were the parties who had practised the enormities which were committed 100 years ago. It was most unfair to hold the improved Company responsible for the evils of a system which ceased before many of them were born. This was distracting the attention of the House from the real question. In what respect, he asked, had the Company failed in its duty in the government of India? Up to this time he had heard no evils alleged which might not be remedied by improving the Company. Nor did the Company at all object to adopt improvements. They had always shown the utmost readiness to accept every suggestion which had been offered to them. If they could only be shown that advantages would result from their assenting to modifications they would be ready, as they always had been, to adopt improvements, however extensive, which would be likely to conduce to the benefit of the Natives

and of the public of this country. As to the question of whether it would be necessary to interfere more directly with the religion and various forms of belief of the Natives, he apprehended that the House would agree with him that we were not to force our religion upon the Natives of India. We who claimed for ourselves the utmost freedom of conscience were bound to believe that they were sincere, and to respect their convictions; but while we did that we ought not to be ashamed of the religion which we professed; we should never hesitate to avow that we were Christians, for nothing would so certainly and so rapidly lower us in the estimation of conscientious Natives as that we should be ashamed of the faith which was in us. Here, then, was the true line to be observed. We were not to propagate our religion by the sword, for ours was the religion of peace; but we were not to hesitate to declare our faith. It appeared to him that the great fault hitherto had been that while, on the one hand we had assisted too much at the mysteries and delusions of the Natives, we had been either afraid or ashamed to avow that we were Christians, and above all, we had failed to act up to those Christian principles without which mere professions went for nothing. Upon the principle that this was not the proper time, but the very worst time, for the introduction of the change now proposed, he should give his support to the Amendment.

MR. ELLIOT said, that, speaking upon the authority of a thirty years' residence in India, he could deny the statement of the hon. and learned Gentleman who had just sat down, that there was any desire on the part of Englishmen in India either to deny or to conceal their Christianity. On the contrary, he declared that the profession and practice of Christianity in India were just as open and as fearless as in this country. His noble Friend (Viscount Palmerston) had given two principal reasons in support of this Bill. One of these was that the present mode of government at home was cumbrous. Now, that delays occasionally occurred between the Board of Control and the India House was perfectly true; but he must say that, during the time that he was Secretary of the Board of Control, those delays had been so rare as almost to excite his surprise. They certainly never extended to such a degree as to be a real inconvenience; and he could confidently appeal to those who knew the working of the different offices, whether the delays at the Board of Control were greater than those of either the Treasury, or the Colonial, or other Government Office where there was no double Government. He could say, from experience while at the Board of Control, that he had waited longer to get an answer from the Treasury than he ever had from the India House. Yet they did not, on that account, propose to remove his noble Friend from the head of the Treasury; these delays, it was clear, might be remedied by reforms in the offices themselves. The other reason stated by his noble Friend in support of the Bill was, that it would be very beneficial to India to bring the affairs of that country more under discussion in the House of Commons. Now, he hoped that he should not be regarded as saying anything offensive or disrespectful to the House, if he said that, in his opinion, they could do nothing more detrimental to the interests of India than to bring Indian affairs constantly into debate in that House. There were not, probably, above 100 or 150 hon. Members who knew anything about India, and therefore when Indian questions were before the House upwards of 500 Gentlemen were called on to vote upon a subject of which they were ignorant. It was dangerous at all times to vote upon questions which one did not understand, but it was more particularly dangerous to do so where the prejudices and religion of the people were involved. There were many excellent and conscientious people in this country who, notwithstanding, were very imprudent; they would not let you alone; they would insist on introducing their wild notions, and having them debated. Discussions on such subjects were always out of place in that House; but, when they referred to such a people as the Natives of India, and to their religion, their caste, their prejudices, or their rights, they became both mischievous and dangerous. Very intemperate and injudicious language was occasionally used, which was sure to be transferred to the Indian papers, and the greatest mischief was the result. In proof of this, he need only refer to the discussions on the Bill of 1853, when most violent and virulent speeches were made with regard to the Company's servants, both military and civil; the former were declared to be utterly unfitted for the duty which devolved on them as officers, and the latter to be indolent and useless. All these speeches went out to India, and would, of course, be published in the Native

newspapers with such exaggerations as would suit the purposes of the ill-disposed. And, although he did not pretend to say that this had actually caused the mutiny, yet he would say now what he had said at the time, that they were well calculated to create disaffection, and to lower the respect of the parties towards their European superiors.

COLONEL SYKES moved the adjournment of the debate.

VISCOUNT PALMERSTON: If the House desires an adjournment of course I shall not object; but I hope that if the debate be adjourned it will be continued and brought to a conclusion to-morrow.

MR. GROGAN said, he had a notice on the paper for the next day, and he hoped that the noble Lord would adjourn the debate to some other day. He had spoken to the hon. Gentleman who had a notice next to his own on the paper for to-morrow, and he had assured him that he was determined on going on with his Motion.

Motion made and Question put, "That the Debate be now adjourned."

The House *divided:*—Ayes 280; Noes 32: Majority 248.

VISCOUNT PALMERSTON said, he hoped that the hon. Member for Dublin (Mr. Grogan) and the hon. Member for Inverness (Mr. Baillie) who also had a Motion on the paper for to-morrow, would give way, so as to allow the adjourned debate to take precedence that evening.

MR. GROGAN said, that he felt so greatly the importance of the subject to which his Motion referred, that unless the noble Lord would give him the Committee which he asked for, or would give him next Friday, he should feel bound to proceed.

MR. CUMMING BRUCE said, that he believed it was also the intention of his hon. Friend the Member for Inverness-shire to proceed with the Motion which stood in his name.

Debate *further adjourned* till *To-morrow.*

PUBLIC HEALTH ACT AMENDMENT BILL.

SECOND READING DEFERRED.

MR. COWPER suggested that the House should agree to the second reading of the Bill, on the understanding that the discussion should be taken upon going into Committee.

MR. PALK said, he could not agree to the suggestion, as his objections were to the principle of the Bill.

MR. JOHN LOCKE said, that this Bill had become a regular Parliamentary nuisance. He had waited several nights for it to come on, and he thought some determination ought to be come to as to whether the Bill was to be proceeded with or not. At present the right hon. Gentleman had not given the House any explanation at all of the provisions of the Bill.

VISCOUNT PALMERSTON said, he hoped that when the Bill came to be discussed, it would be discussed without the prejudice which was endeavoured to be raised against it. It was a measure deeply involving the interests of the people, as it was addressed to the prevention of diseases which involved a greater loss of life than any war in which the country had been engaged.

SIR GEORGE PECHELL hoped that the Bill which had been brought forward several times, would have a day fixed for its discussion. It had thrown over the Conspiracy Bill that night, and he hoped it would last long enough to throw it over altogether.

MR. HENLEY said, that the Bill contained upwards of 180 clauses, incorporated five or six Acts of Parliament nearly as long as itself, and dealt with private Acts without end. It was desirable, therefore, that the House should have a proper opportunity of fully discussing it, and it was the noble Lord's duty, as leader of the House, to fix a proper time for the discussion.

Second Reading *deferred* till *Friday.*

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Tuesday, February 16, 1858.

VOTE OF THANKS—GENERAL WINDHAM.

FURTHER EXPLANATION.

THE DUKE OF CAMBRIDGE said, he was naturally very jealous of the reputation and character of absent officers, and if anything should fall from him which, owing to his not having expressed himself clearly, should convey an incorrect meaning, it would certainly cause him great pain and annoyance. He had yesterday felt it his duty to make some observations on a communication he had received from Sir Colin Campbell with respect to the conduct of General Windham in the affair

at Cawnpore. He stated, or at least he intended to state, that he had received a most satisfactory report as to the conduct and character of that gallant officer, and that no blame whatever was to be attached to him in the recent proceedings that took place under his orders at Cawnpore. He was afraid, however, that the rest of his observations were not correctly understood, for he had little experience of speaking in the House, and he doubted not that he had not been correctly heard. He trusted that what he was about to say would be heard and fully appreciated. What he meant to say was this,—that blame was attached to some other quarters, but not to General Windham, and that the case of the persons so blamed was now in the hands of the Commander in Chief in India, who, he was confident, would deal with the case in that proper military spirit which he had displayed on every occasion since his arrival in India. That was what he meant to say; but he regretted that it was not so reported, and he was therefore anxious to set himself right with their Lordships—with the public—feeling confident that it must have been mainly his own fault if anything he said had not been correctly understood.

CHURCH OF ENGLAND SPECIAL SERVICES BILL.

COMMITTEE.

On the Order of the Day for the House to go into Committee on the Church of England Special Services Bill,

THE EARL OF WICKLOW said, that although he did not object to the Bill, but, on the contrary, was somewhat surprised that it was not now the law, he thought that some reason ought to have been given why the Bill should be introduced at this particular time. For his own part, he objected to the period at which this measure had been brought forward. He could not help thinking that if it had not been for the Bill of the noble Earl (the Earl of Shaftesbury), which was professedly of the same nature, and which had been brought in at a very early period of the Session, the present measure would not have been introduced. As the noble Earl's Bill had been withdrawn, it was left with them to conjecture why either that or the present Bill had been brought forward. He believed the fact to be, that it was intended to meet a case in which a single clergyman in the metropolis had prohibited the holding of religious services in a public building within his parish. He could not support any Bill brought forward on such grounds; for he thought that the individual in question, so far from having deserved the implied censure of an Act of Parliament being passed against him, deserved the thanks of his parishioners and of the public, and had exercised a sound judgment in having closed the doors of Exeter Hall. It must be remembered that this gentleman did not put his veto on the opening of Exeter Hall for religious services until he had had experience of the effect of those services. When he felt himself called upon to interfere, it was with great reluctance, for he must have known that he was about to make himself unpopular with at least a portion of his congregation, although perhaps the minority; that he was acting in opposition to the views of his diocesan; and that he was rendering himself liable to a very expensive legal process, which was very likely to be commenced against him. He believed that had it not been for Mr. Edouart, Westminster Abbey would not have been thrown open to the public—a step which would, he trusted, soon be followed by opening the doors of St. Paul's. He objected to the words in the preamble:—

> "Whereas it is expedient to enable the Bishops, in their respective dioceses, to make provision in populous places for the preaching of God's Word in any building or buildings not usually appropriated to purposes of religious worship."

These words limited the power of the Bishops quite unnecessarily. If it were desirable for the Bishops to exercise the provisions of the Act, why should they be deprived of the power of opening for religious worship buildings which might have been used for religious purposes, although not so used by the Church? There might be chapels belonging to the Wesleyans and other sects, for example, which might be available for special religious services at times when the congregations did not require them. He did not say he would abandon the congregations of the Church of England to the Dissenters; but if he had to choose between Exeter Hall, a puppet-show house, a concert-room, or theatre, and a place where religious worship had already been carried on, he should choose the latter. The omission of these words from the preamble would render unnecessary the Amendment to be proposed by the noble Lord the Secretary for War (Lord Panmure), and he trusted that the

most rev. Prelate would at least explain the reasons why the words in question had been introduced.

THE ARCHBISHOP OF CANTERBURY said, he thought he should be able, in a few words, to satisfy their Lordships that there were satisfactory reasons why the Bill had been introduced at the present moment. Of late years attention had been called to the fact, that a very large proportion of the inhabitants of the larger towns were precluded from attendance upon Divine service, partly owing to the churches being in many cases too small for their reception. It had likewise appeared that many of the working classes, who had been in a measure greatly alienated from the Church on this and other accounts, had recently manifested a disposition to avail themselves of the privileges of church attendance in districts where the means of accommodation were wanting. Another reason for bringing forward the Bill at the present time was, that it did appear that the existing ecclesiastical rule, by which no clergyman was allowed to interfere in the parish or district of another, except by his permission, required some such modification as was provided in the present Bill. He thought himself at liberty to leave unnoticed the proposal of the noble Earl, in regard to pressing chapels of other denominations into the service of the Church. He trusted that, after this explanation, the noble Earl would permit their Lordships to go into Committee on the Bill.

VISCOUNT DUNGANNON preferred this Bill to that which had been introduced by the noble Earl (the Earl of Shaftesbury) and afterwards withdrawn. The effect of the noble Earl's Bill would have been to put an end to the line of demarcation between Church and Dissent, and therefore he rejoiced that it had not been pressed upon the House. The Bill proposed by the most rev. Prelate was a considerable improvement on that measure, but still he thought it exceedingly ill-timed. It was virtually a reflection on an individual clergyman, who had done no more than discharge a duty which he owed to himself and the order to which he belonged, when he asserted his privilege not to allow services to be conducted in his parish without his consent. He would not oppose the Bill, but he confessed that he should see it pass into a law with great reluctance.

House in Committee.

Clause 1 (Bishop may permit special services in any city, town, &c., the population of which exceeds).

LORD WENSLEYDALE proposed the insertion of words that would embrace ecclesiastical districts not included in the clause.

After a short conversation, which was quite inaudible,

Amendment *negatived.*

THE ARCHBISHOP OF CANTERBURY moved to insert "the population of which at the last preceding census have exceeded 5,000 souls."

THE BISHOP OF OXFORD moved to substitute 10,000 for 5,000.

On Question, That ("5,000") stand part of the Bill, their Lordships *divided:* Contents 33; Not-Contents 14: Majority 19.

CONTENTS.

Canterbury, Archbp.	Winchester, Bp.
Cranworth, L. (*Lord Chancellor*).	Belper, L.
Breadalbane, M.	Brodrick, L. (*V. Middleton*).
Lansdowne, M.	Chesham, L.
Granville, E.	Clements, L. (*E. Leitrim.*)
Grey, E.	Crewe, L.
Harrington, E.	Digby, L.
Romney, E.	Foley, L. [*Teller.*]
Saint Germans, E.	Granard, L. (*E. Granard.*)
Stanhope, E.	Monteagle of Brandon, L.
Eversley, V.	Panmure, L.
Carlisle, Bp.	Ponsonby, L. (*E. Bessborough*) [*Teller.*]
Chichester, Bp.	Stanley of Alderley, L.
Lincoln, Bp.	Sundridge, L. (*D. Argyll.*)
London, Bp.	Wensleydale, L.
Manchester, Bp.	
Ripon, Bp.	
St. Asaph, Bp.	

NOT-CONTENTS.

Manchester, D.	Dungannon, V. [*Teller.*]
Carnarvon, E.	Exeter, Bp.
De La Warr, E.	Llandaff, Bp.
Derby, E.	Oxford, Bp.
Huntingdon, E.	St. David's, Bp.
Powis, E. [*Teller*].	Redesdale, L.
Wicklow, E.	Wynford, L.

EARL POWIS then remarked that, as the clause now stood, any clergyman performing any special service was not permitted to "read" as well as to "preach" God's Word. Again, although he would be permitted to read the Litany or any of the Collects, he would not be authorised to read the Psalms, which upon special occasions were peculiarly applicable. The noble Earl concluded by moving that the words "read and" be inserted in the clause.

Amendment *agreed to.*

THE EARL OF POWIS then observed, that he saw no reason why the clergyman should be precluded, under the operation

of the clause, from giving out such portions of the Book of Common Prayer as he might think proper; and he should, therefore, move that the words "of the collect contained in" be omitted, and the words "part or parts of" substituted in their stead.

THE ARCHBISHOP OF CANTERBURY was of opinion that, taking into account the special nature of the services which it was sought to promote, it would be inexpedient to vest any such discretion as the noble Earl proposed in the officiating clergyman.

THE BISHOP OF OXFORD also maintained that, the new services being only of an occasional character and instituted for definite purposes, it was desirable they should guard against the idea that they were to be a kind of substitution for the regular Church service; and, therefore, they must be so arranged as to interfere as little as possible with the ordinary services of the Church.

THE EARL OF WICKLOW contended that, as the necessity for the Bill had arisen out of the want of places for public worship, there was no reason why those to meet whose case the Bill had been introduced, should be deprived of the opportunity of hearing the beautiful liturgy of the Church of England, which they would, in many instances, prefer to listening to a preacher.

LORD CAMPBELL said, he had the most sincere respect for the liturgy of the Church of England; but it seemed to him that a slur was cast on that liturgy if parts of it were not to be read. It should be left to the discretion of the officiating minister to select what portion should be read.

VISCOUNT DUNGANNON did not see why the minister should not be allowed to use, as he thought fit, any portions of the services in the Prayer Book.

Amendment, enabling the officiating clergyman "to read and preach God's Word, and to say the Litany, or any part or parts of the Book of Common Prayer," *agreed to.*

Clause, as amended, *agreed to.*

Clause 2 *agreed to.*

Clause 3, (Laws, &c., now in force as to public services to apply to this Act.)

THE BISHOP OF LLANDAFF rose to move the addition of a proviso of which he had given notice, to the effect that in those parts of England and Wales in which the population was engaged in mining or manufacturing operations it should be lawful for the Bishop to give the permission accorded to the clause to any number of parishes or ecclesiastical districts containing together such amount of population as was provided by the clause, and being either contiguous or adjacent to each other, although they might not constitute a city or town. The right rev. Prelate said, their Lordships, he was sure, would pardon him for entertaining the desire that his own diocese might partake of the benefits which were contemplated by the Bill. As it now stood, it was calculated to meet great and pressing emergencies, and in common with his right rev. Brethren, and he believed also with the great majority of members of the Church, he rejoiced that it was likely to become law. Still he believed that unless its provisions were to a certain degree extended it would not meet the case of those peculiar districts to which his Amendment referred. He confessed, that in such districts he thought it desirable that somewhat of a missionary system should be carried on under proper ecclesiastical superintendence; not in opposition to, but in concurrence with, the parochial system. The proviso he proposed, with the view of meeting this case, was limited to those parishes the population of which was chiefly engaged in mining or manufacturing operations; for he conceived that with regard to the agricultural districts such a provision was not only unnecessary, but would be positively injurious. But in reference to places where the population were engaged in mining operations a feeling had long been entertained that it was desirable to adopt some system additional to that now in operation; and from his own experience he had come to the conclusion that unless they adopted something like a missionary system, corresponding to that pursued by the clergy in the Colonies, it would be impossible to bring home the truths of religion to the multitudes of people who were scattered over the mountain-sides and distant valleys of certain portions of this country. On the three triennial occasions on which he had had the pleasure of meeting his clergy, he had expressed this sentiment. He was happy to find that the same conviction had recently been expressed in strong terms by the Bishop of Durham, who enjoyed long experience as a member of the episcopal body, and whose efforts to promote the spiritual interests of the people of his former diocese of Ripon had been signally blessed. His right rev.

Brother, referring to the migratory character of the population, which rendered it difficult to establish an abiding ministerial influence among them, and useless to erect churches which might be deprived of congregations upon the working out of a mine or the closing of a pit, recommended the establishment of a body of missionary clergy:—

"The peculiar feature of this portion of my charge is the migratory character of its population, which renders it so difficult to establish an abiding ministerial influence, and would seem to forbid, in many instances, the erection of a church, and the establishment of a regular ministry, that might before long be rendered useless, by the working out of the mine, or the closing of the pit, followed by the dispersion of the thousands who depended upon it for their subsistence. For this special difficulty the remedy would seem to be in the establishment of a body of Missionary Clergy. . . . . I believe it will be acknowledged that there is as much need of missionary labour among the busy throng near our collieries as in some of the far-distant regions where the Gospel has but recently been preached."

The Report presented to the Upper House of Convocation, by a Committee appointed to "consider and report on the most desirable modes of making fresh exertions for sustaining and extending the Missionary efforts of the Church both at home and abroad"—and which was considered and adopted by that body last week—after referring to certain cases, went on to say:—

"But these cases, though numerous, are by no means all for which we have to provide. We have to deal with the tens of thousands who have been gathered round some new centre of industry, for the gatherings of populations which suddenly arise and as suddenly disappear where a rich vein of mineral wealth is discovered or exhausted in our distant hill sides and up our remote valleys; and all of these forms of spiritual want require separate treatment for their relief.

"We would suggest the following measures among those which it appears to us might, under God's blessing, be beneficially adopted:—

"1. First, that Home Missionary Associations be organized in the different dioceses under the Bishop, the Archdeacon, and such clergy and laity as may be brought to consult with them concerning the spiritual wants of the diocese, and the best mode of relieving them.

"2. That clergymen be sought out who possess special gifts for influencing those who are now unhappily estranged from all religious ordinances; and that such clergy, under due ecclesiastical authority, should minister in temporary buildings till, under God's blessing, they have gathered a flock which may be collected in a church."

He had read the passage at length that the noble Earl opposite (the Earl of Derby) might see that the Committee had not lost sight of the principle which he had insisted upon on a former occasion, that such special services were only to be regarded as temporary. He would refer to another witness, one of the Inspectors of schools in Wales, who recomended that, with the view of meeting the spiritual wants of large parishes, which in that district sometimes extended eight, nine, or ten miles—he, himself, (the Bishop of Llandaff) had been vicar of a parish which contained 22,000 acres, extending fifteen miles from one extremity to the other—a circulating system should be adopted, which, if conducted with energy and judgment, would, in the opinion of the Inspector, be attended with most beneficial results. He (the Bishop of Llandaff) was most desirous that some system of this kind should be adopted in his own diocese. The vast development of the mineral treasures of the country had led to an increase of the population of that diocese in a greater ratio than had been experienced in any other part of the kingdom. At the commencement of the present century the population of his diocese was 117,000; and it was now 347,000, being more than trebled within fifty years; while the number of the clergy had remained pretty nearly stationary. He believed that in the decennial period between 1831 and 1841 the ratio of increase of population throughout the kingdom had been 14 per cent, while in Monmouth it had been 36 per cent, and in Glamorgan 35 per cent. He was convinced that by no other plan than the one he suggested could they bring religious truth to the knowledge of these large bodies of people. No doubt it would be better if they could divide large parishes into districts and appoint clergymen to them, but the question arose where were the funds to support those additional clergymen? They could not look to the resources of the Church in his diocese. There was no part of the kingdom on which the hand of the spoiler had been so ruthlessly laid as South Wales. In his diocese there were fifty-three parishes, in which there was no rent charge at all in the hands of those who had pastoral care. Gross rent charge of two counties, £59,605; abstracted, £25,624; leaving for parochial clergy, £33,981. In fifty-three parishes there is no rent charge payable to the clergymen, the whole provision originally intended for his remuneration having been transferred to others. Average benefices, £177; ditto parishes, £140;

sixty-four benefices under £100, thirty-five of these under £75, eight of these under £50, and one under £10. He had received assistance, it was true, from the splendid liberality of many of the ironmasters, for which he could not be too thankful; but he was quite certain they could not provide altogether in that way for the religious instruction which was required. It might be objected that he was introducing a clause which was new in principle; but from that he begged to dissent. It was neither contrary to the principles nor to the ancient practice of the Church of England, it was, indeed, but going back to the fundamental principles of the Church, to adopt some such system as this. It was already adopted to some extent in the Colonies. But even if he could find no precedent for the system, if it were absolutely necessary he thought he was justified in proposing it. This missionary instrumentality had been for a long time unnecessary owing to the parochial system, but now that the necessity for it had again arisen, he could not see why they should not revert to it. It appeared to him that the Church wanted elasticity. The doctrine of the Church was a sacred deposit, which they were bound to hand down as they had received it. The great principles of their ecclesiastical polity were no doubt derived from the first ages, and must therefore be maintained. But as respected the particular mode of bringing the masses of the people into contact with the truths of religion, they must adapt themselves to circumstances. If they could have accommodated themselves more to the wants of the community, in all probability many secessions which they had to deplore would not have taken place, and by making provision now they would most probably bring back many who were not alienated by any real feeling of hostility, but merely because the church was not brought into contact with them.

Amendment moved to insert the following proviso:—

"Provided always, that in those parts of England and Wales in which the population in whole or in part is engaged in mining or manufacturing operations, it shall be lawful for the Bishop to give such permission as is herein-before enacted, for any number of parishes or ecclesiastical district containing together such amount of population as aforesaid, and being either continuous or adjacent to each other, though such parishes or districts may not constitute a city, town, or place."

The Bishop of Llandaff

THE EARL OF DERBY said, that this was a very important question, and he had certainly expected to hear some opinion given on it by Her Majesty's Government. Her Majesty's Government, however, seemed to consider it was one of no concern. He had always supposed it to be a part of the duty of the Government, when Bills were brought into Parliament, to ascertain how far those Bills were calculated to effect the objects in view—supposing them to be desirable; but it appeared from the conduct of Government on this occasion that his supposition was an erroneous one. He had not the least doubt of the importance of the object which his right rev. Friend proposed to effect; but he begged to ask, in the first place, whether in those districts to which the clause referred any difficulty was found in obtaining the concurrence of the incumbents to other ministers visiting those districts; whether there was any difficulty in inducing the incumbents to avail themselves of such assistance as might be offered to them by clergymen willing to assist them? If there was no such difficulty there was nothing for the Bill to operate upon. If there was, he would ask the right rev. Prelate to consider the effect of applying to large districts of the country the provisions of a Bill the operations of which were intended to be limited to towns and other places having a certain extent of population. Now, the words of the clause proposed by the right rev. Prelate were so general that, inasmuch as there were very few parishes which contained a population of 5000 persons in which some portion of them were not engaged either in manufactures or mining operations, they would in effect extend to the whole kingdom; so that they might practically supersede that limitation which it was the policy of the existing clauses to enforce. He had no objection to a clause which would properly carry out the objects which the right rev. Prelate proposed to effect; but the words of the right rev. Prelate's clause were wider than, he was sure, he himself intended them to be. He (the Earl of Derby) wished to call attention to the effect of the clause, and also to ascertain whether, in point of fact, any reluctance on the part of the incumbents to avail themselves of assistance made the insertion of such a clause necessary.

EARL GRANVILLE had no objection to the clause. He had supposed it would be useless for him to get up merely to signify his assent to it. He thought it more

desirable that the proposition of the right rev. Prelate (the Bishop of Llandaff) should be carried out by a separate clause in the Bill. With regard to the proposition itself he believed it would not effect more than what their Lordships thought it most desirable should be effected.

THE BISHOP OF LLANDAFF said, that as far as he knew no negative had been interposed by any incumbent within his diocese. With regard to the phraseology of his clause, whether it was too wide or not, he should be happy to meet the wishes of the House. It had been prepared solely with reference to the mining population, with whose requirements and wishes he was more particularly connected; and he added the manufacturing districts, in consequence of being requested to do so by another right rev. Prelate. It appeared to him that the Bill introduced a new kind of agency altogether. The clause, as he had originally drawn it, related entirely to the mining population, uncombined with the manufacturing.

LORD CAMPBELL thought that there would be some difficulty in defining what constituted either a mining or a manufacturing district.

THE BISHOP OF MANCHESTER suggested that the right rev. Prelate should postpone the clause until the bringing up of the Report.

THE EARL OF POWIS said, that the want, which was proposed to be supplied by the Bill, prevailed in both North and South Wales, where the average extent of the parishes was one-fourth greater than those of England, and there were in these mining districts collections of houses which had risen up in places very distant from any church with no municipal organization. There were cases in which the population were five or six miles from the church, where three or four parishes came together, and consequently some clause of this kind would be extremely useful to enable the population to be benefited.

Amendment *withdrawn*, with the understanding that it should be considered on the Report.

Clause *agreed to*.

On the Preamble,

THE EARL OF WICKLOW said, he was still of opinion that it would be desirable to omit from the preamble the words to which he had taken exception in the early part of the evening, so that the Bishop might not be precluded from availing himself of any building already used for religious worship, although it might be a dissenting chapel.

THE LORD CHANCELLOR rather coincided with his noble Friend; but the words of the preamble were repeated in one of the clauses, and thereby became positively enacted. It would not be enough, therefore, to omit the words from the preamble.

THE ARCHBISHOP OF CANTERBURY was of opinion that the suggestion of the noble Earl would introduce so new a principle that he did not think it desirable to introduce it into the present Bill.

Preamble *agreed to*.

Report of Amendment to be received on Monday next.

House adjourned at Half-past Seven o'clock, to Thursday next, Half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, February 16, 1858.

MINUTES.] PUBLIC BILLS, 1° Tenants' Compensation (Ireland).

COUNT WALEWSKI'S LETTER AND THE *MONITEUR*.—QUESTION.

MR. GRIFFITH said, he would beg to ask the First Lord of the Treasury, whether, since the letter of the 6th of February, from the French Ambassador, expressing the regret of the Emperor for the publication of the Addresses in the *Moniteur*, there has not appeared in that paper in the same way as its predecessor of the 20th of January, asking for redress, for the information of the French public, it be the intention of Her Majesty's Government to suggest to the French Government that its publication would, in their opinion, be conducive to a satisfactory termination of the transaction.

VISCOUNT PALMERSTON: Sir, before I answer the question of the hon. Gentleman, I would wish to put a question to the House. I would ask the House what is their wish, and what is their intention on a matter of great national importance? Is it their wish and intention that those friendly and confidential relations which so happily now subsist between the Governments of England and France should be maintained? or is it their wish and intention to infuse into the relations between the two countries a spirit of irritation, of bitterness, and of animosity? Now, Sir, if the latter be their

object, no more effectual course can be adopted—though not a very dignified one—than the continuance of personal attacks in this House upon the Emperor of the French and the French nation; and therefore, though I should try to prevent it, yet of course, if the House choose to pursue that course, why upon them be the responsibility of such a proceeding. If on the other hand, the House attach that importance which I attach to the maintenance of those friendly relations which have so happily subsisted between the two Governments and the two countries, I do entreat them to discourage and to discountenance the continuance of these incessant personal attacks upon that Emperor who has been the spontaneous choice of the French people. Now, Sir, with regard to the question of the hon. Member, I can only say, that it is not the intention of Her Majesty's Government to adopt a course of proceeding such as that which he has suggested, because we think that such a course would be highly improper, and if I may be permitted to say so, without meaning anything personally offensive to the hon. Gentleman, excessively absurd.

POOR RATES.—QUESTION.

Mr. WISE said, he would beg to ask the President of the Poor Law Board whether he contemplates the introduction of any measure to alter the mode of raising the Rates for the Relief of the Poor; and whether he will assent to the appointment of a Committee to consider the policy and general effect of the present Laws relating to Settlement, Removal, and Parochial Assessment?

Mr. BOUVERIE: Sir, I do not contemplate any such measure, or to ask Parliament to resort to any such measure as an inquiry into the policy and general effect of the Laws relating to Settlement, Removal, and Parochial Assessment. I think that subject has been nearly exhausted by inquiry, and it will not be my duty to consent to the appointment of a Committee to consider the general policy of the Poor Law. There is one branch of the Law which relates to what are called the irremoveable poor, who have been resident in a parish five years, the Act relating to which expires next year; and as it will be desirable to have an inquiry into the working of that Law during the ten years of its existence, I shall in the course of the Session move for a Committee to inquire into that subject.

THE ENGINEERS OF THE *CAGLIARI*. QUESTION.

Mr. MONCKTON MILNES said, he wished to inquire whether the Government have taken any further steps respecting the detention and trial of the British engineers of the *Cagliari* steamer by the Government of the King of the Two Sicilies. He understood that since the trial had been commenced one of the men had shown a tendency to fits, and that the other had received so great a shock from his long imprisonment, and from the doom he had feared, that his reason was altogether gone, so that it had been impossible to put him on his trial at all. He should be glad to hear that something had been done for those afflicted persons, and to relieve the anxiety of their relatives and friends.

Viscount PALMERSTON: Sir, the Government have been in repeated communication with the Government of Naples on this subject, by means of our Consular Agent there, who has watched the proceedings of the Court, and given due attentions to the case. The state of the matter is this. The trial of Park is now going on. With regard to Watts, he unfortunately was hurt, both in mind and spirit, having been very much affected by the imprisonment which he has undergone, and the apprehensions which have been excited in him as to the final results. He was consequently in that state of mental excitement that it would have been quite improper to proceed with his trial. At the desire of the British Government he has been delivered over to the Consul, who has had him placed in the British hospital there, which is a well regulated establishment, and where he will be attended by British persons, medical men, and others. It is hoped that by proper treatment and care he will recover from the state that he is now in.

SCOTCH UNIVERSITIES.—QUESTION.

Lord ELCHO said, he wished to ask the Lord Advocate whether it is his intention to introduce a measure for the improvement of the Scotch Universities during the present Session. The Lord Advocate would, perhaps, at the same time inform him when it is likely that the Report of the Commission of Inquiry into the state of the University of Aberdeen will be laid upon the table.

The LORD ADVOCATE: Sir, the subject of University Reform in Scotland

has been under my consideration for some time. I have, in fact, prepared the outline of a measure upon that subject for the purpose of submitting it to the Government, and I hope to be able to introduce a measure during the present Session with regard to it. The Report of the Commission is ready, and I shall lay it on the table without delay.

LUNATIC ASYLUMS (IRELAND).

QUESTION.

MR. BLAND said, he would beg to ask the Chief Secretary for Ireland, whether the Government intend to introduce any measure this Session respecting the management of Lunatic Asylums in Ireland?

MR. H. A. HERBERT: I cannot, Sir, pledge myself that the Government will introduce a measure on the subject this Session. Three days ago I received a letter from Sir Thomas Redington, stating his regret that the Commission which had been appointed to inquire into this subject had not yet made their Report, and required an extension of time for that purpose. I cannot, therefore, make any pledge on the subject.

DUBLIN METROPOLITAN POLICE FORCE.

COMMITTEE MOVED FOR.

MR. GROGAN, in moving for a Select Committee to inquire into the system and management of the Dublin Metropolitan Police Force, said, that he very unwillingly interposed between the wish of the House and the adjourned debate on India; but the present Motion was an important one, and private Members had so few opportunities of bringing such subjects forward, that he felt bound in duty to proceed. When the Bill of 1846 was introduced by the hon. Member for Stroud (Mr. Horsman), who was the Chief Secretary for Ireland, he (Mr. Grogan) felt that it contained so many objectionable provisions, and so great an extension of the powers of the police, that he moved to refer it to a Select Committee, but was unsuccessful. In the following year a similar Bill was introduced by the Attorney General for Ireland, who stated that the objectionable clause of the first Bill had been expunged. That was true; but still it required investigation by a Select Committee. His opinion was that the powers of the Commissioners were too great, and that they had assumed power which more properly belonged to the magistracy. The police of Dublin were an effective and useful body, and he wished to see them in possession of the fullest powers necessary for securing peace and order. But he wished to see them confined to their proper sphere. It was the part of Parliament to make the law, of the magistrate to interpret it, and of the police to execute it. He knew not why the Dublin police should be an exception to those of other large towns, or why the Commissioners should assume powers which the Legislature never intended they should possess. His object now was to have the whole question referred to a Select Committee. The police, he was convinced, had exercised their powers in a manner more arbitrary and stringent than the occasion required, and it was the duty of the House to interpose to remedy such grievances. He thought he should be able to show that the police of Dublin were too great in point of number, and more expensive than those of other large towns. With the exception of London there was no large town in the kingdom in which the police force was so great, compared with the population, as in the city of Dublin. The population of London city in 1856 was 128,851, and the police force was 569, being in the proportion of 1 to 256 inhabitants. There were many reasons, arising from the immense wealth accumulated in London, which made this large proportion of police necessary. It would be found that Dublin, of all the great towns in the empire, stood nearer to London in the numbers and the cost of its police force; and there could surely be no reason why it should be placed in that unenviable position. The population of Dublin, according to the census of 1851, was 258,361. The number of policemen employed for the city specially, and irrespectively of those who did duty in the suburban districts, was 806, giving a proportion of 1 policeman for every 320 inhabitants. The cost of maintaining that force amounted to upwards of £62 for each policeman, and was equivalent to a charge of 1*s.* 11½*d.* in the pound on the valuation of the property of the city. It was true that a portion of that charge was borne by the public exchequer, according to the principle adopted for all the towns in the United Kingdom; but still the cost of the police, in proportion to the valuation of the property, was far higher in Dublin than in any other of those towns. In London the cost of the police was only 10*d.* in the pound on the property of the metropolis. Let them

extend the comparison to a number of the other principal towns in the empire. In Liverpool, where the population amounted to 423,000, and where the property was valued at £1,538,000, the total police force, including 314 who were employed in the docks, amounted to 956, and the cost of maintaining them amounted to only £60,401, or only 9¼*d.* in the pound on the valuation of the property, while in Dublin the cost of maintaining the police was £73,000. It also appeared that in Liverpool there was but one policeman for every 442 inhabitants, while in Dublin there was one policeman for every 320 inhabitants. In Edinburgh the cost on the valuation 4½*d.*, and the proportion of policemen to the inhabitants was 1 in 455. In Glasgow the rate upon the valuation was 6½*d.*, and the proportion of police 1 to every 611 persons. It was evident from these statements that there must be an unnecessarily large police force in Dublin, and that the cost of maintaining that force must be excessive. There was a general feeling among the inhabitants of that city that they were over-policed, and an impression also prevailed that the powers of the police force were exercised in many cases in too stringent and too arbitrary a manner. In order to show that this latter belief was not ill-founded, the hon. Gentleman here referred to the case of a misunderstanding and a quarrel between two gentlemen in one of the streets of Dublin, in the course of which certain police officers had acted harshly and illegally, and one member of the force had used very considerable violence, which Mr. Baron Pennefather had marked from the bench with his reprobation. He felt bound to add that a conviction pervaded the minds of a large portion of the inhabitants of Dublin that sectarian feeling exercised an undue influence over many members of the Dublin police force. But he would not dwell upon that point, as he was anxious to obtain the aid of all his fellow-members from Ireland in his attempt to carry his Motion. He thought he had shown sufficient grounds why his proposal should be adopted, and he had then only to leave it to the decision of the House.

Select Committee moved for.

MR. H. HERBERT said, he regretted that his hon. Friend had not thought proper to postpone his Motion, in the unavoidable absence of the Attorney General for Ireland, who had directed his special attention to the question of the Dublin police force. His hon. Friend was aware that during the last two years the Government had introduced Bills upon that subject; and that fact surely showed that they were not indisposed to take it into their careful consideration. His hon. Friend had entered into lengthened details for the purpose of showing that the police force were more numerous in Dublin than in the great towns of this kingdom; but it did not necessarily follow from such a circumstance that the force was too large in that city. No doubt the county police were also more numerous in Ireland than in this country; and yet he believed that the Irish county Members did not think they had too many policemen in their respective districts. The amount of the police force which ought to be maintained in any place must be decided by the special circumstances of the case; and there could be no possible reason why any Government should be desirous of adding, unnecessarily, to that force. His hon. Friend had alluded to what he considered abuses of their powers on the part of the Dublin police; but the courts of law were open for the trial of cases of that kind, and they could not properly become subjects of inquiry by a Committee of that House. His hon. Friend had shown great discretion in the mode in which he had referred to the charge of sectarian partiality on the part of the Dublin force. Now his (Mr. Herbert's) attention had been drawn to cases in which that charge was involved; and he could state that, as far as he had been able to investigate those cases, the charge was either totally unfounded or was, at least, grossly exaggerated. He and his right hon. and learned Friend the Attorney General for Ireland had taken into their careful consideration during the last recess the state of the Dublin police force, and they had come to the conclusion that it was desirable to give to that force a new organization. They had, accordingly, prepared three Bills upon that subject, which would have been introduced but for the necessary absence of his hon. and learned Friend; so that, even if the House should think proper to reject one portion of their scheme, they might adopt some other portion of it. Those Bills they would immediately introduce, and they would thus adopt the best means of dealing effectually with the question. It would surely be better to adopt that course than to appoint a Committee, which would only have the effect of suspending all legislative action in the matter.

MR. VANCE said, he was surprised to find that the right hon. Gentleman had refused to assent to the Motion. The present state of the police force created great dissatisfaction in Dublin, and that dissatisfaction would not disappear until the whole question should have undergone a thorough investigation. He would call the attention of the House to the great disparity in the expense of the police force of Dublin and other large towns in the United Kingdom. In Dublin it was no less than 1*s.* 11*d.* in the pound, while in London it was only 6*d.*, and in some of the great provincial towns it was even less. Did not that show that there was something wrong in the system? He considered the provisions made for the administration of justice by the police magistracy of Dublin on much too large a scale. For instance, he found in the Castle district there were three police magistrates, the same number in the College division, and in the Rotunda district two. Notwithstanding so great a number of police magistrates had been condemned by the late Bill, every one of the appointments, as they had become vacant, had been filled up by the present Government. This was not alone a question of local but of national taxation; and when they called to mind that there was a large garrison in Dublin, who were always at hand to come to the assistance of the civil power, and that there was a large training depot in the Phœnix Park for the provincial police, those were additional reasons why the number of police in Dublin should be reduced. The citizens of Dublin demanded inquiry at the hands of the Government, and he felt convinced that if the Committee which had been asked were granted a very few sittings would settle the question, and thus the passing of any measure on the subject would be greatly facilitated.

Motion made and Question put, "That a Select Committee be appointed to inquire into the system and management of the Dublin Metropolitan Police Force."

The House *divided:* Ayes 105; Noes 200: Majority 95.

INDIA.—ANNEXATION OF OUDE.

PAPERS MOVED FOR.

MR. H. BAILLIE, who had upon the Paper the following Motion—"To call the attention of the House to the causes which have led to the rebellion in Her Majesty's Dominions in the East," being called,

VISCOUNT PALMERSTON interposed, and observing that the subject being itself a parenthesis, as it were, of the Adjourned Debate, put it to the hon. Member whether it would not be more convenient for the House to come to a conclusion upon the Indian question already raised before it proceeded to discuss the present one.

MR. H. BAILLIE said, he was aware that on ordinary occasions it might be expected that as a matter of courtesy any Member would yield to such an appeal; but he thought that the noble Lord would admit that this was not an ordinary occasion. The House of Commons was called upon to proceed forthwith to legislate for India without any information having been afforded it with respect to the causes of the rebellion in that empire. Hon. Members were in total darkness on that subject, and the Motion he was about to bring under the notice of the House might possibly throw some light upon the matter. He, therefore, thought the noble Lord would admit that that matter ought to be brought forward before any decision was taken on his own Motion. A general and very natural desire prevailed among all classes in this country to ascertain the origin and cause of the rebellion and disasters which had recently occurred in India. Various reasons had from time to time been assigned for the mutiny in the Bengal army, and explanations with respect to it had been offered by men of high authority; but he (Mr. Baillie) was bound to say that those explanations could not be considered satisfactory to the people of this country. In the first place, some of the most eminent members of the Court of Directors had given to the public their opinions on the subject. His hon. and gallant Friend opposite, the Member for Aberdeen (Colonel Sykes) seemed to be of opinion that the disorder which had taken place in India did not constitute a rebellion; he regarded it simply as a military mutiny, and that it had its origin in a supposed insult inadvertently offered to the religious prejudices of the Sepoys; and he supported that view by referring to the mutiny of Vellore, where, no doubt, a similar pretext was followed by a similar result, and that mutiny was rapidly suppressed by the vigour of the military authorities. His hon. and gallant Friend having discovered this cause, thought there could be no other cause for the mutiny or rebellion on the present occasion. Another hon. and distinguished member of the Court of Directors, a gentleman of know-

ledge and experience in Indian affairs, the hon. Member for Leominster (Mr. Willoughby) in an address he made some time ago to his constituents, candidly and ingenuously confessed that he could see no cause or reason for the rebellion on the present occasion. That hon. Member told his constituents that he was unable to account for it, but supposed that a madness or phrensy, which he was altogether unable to explain, had seized on the soldiers. A third hon. and distinguished member of the Court of Directors (Sir H. Rawlinson), no less distinguished for his services in India than for his literary reputation, whose presence in that House they must all consider a subject of congratulation, in an address he made not many days ago to his constituents, differed totally and entirely from the hon. and gallant Gentleman opposite, the Member for Aberdeen, for he told his constituents, according to the report in *The Times*, that the outbreak never was what was called a military mutiny, but that it deserved more the name of a national movement ; that it must be remembered that a military mutiny was a mutiny for military purposes ; but the Sepoys had been acting for others, and had been used as instruments for carrying out the designs of those parties, the object being to drive the English from the country. Such were the discordant opinions of those who ought to be looked to for correct information on the point. Then, if hon. Members turned to the Government they were not better off. The Ministry, as he said before, had called on the House to proceed forthwith to legislate for India, but they had not condescended to furnish, nor did he believe they were able to furnish, the House with any information relative to the subject.

It was under these circumstances that he felt it his duty to call the attention of the House to the matter, and he would now proceed to state what he believed to have been the cause of this rebellion. He would state what he believed to be the opinions generally entertained by his fellow countrymen in India, but who were unable to express those opinions, in consequence of the restrictions imposed on the press. The general opinion which prevailed was, that this rebellion had had its origin in a conspiracy on the part of a portion of the Mahomedan population of the country ; that the greased cartridges was an incident adroitly taken advantage of by the conspirators to secure the sympathy and support of the Hindoo Sepoys, and that that proceeding was to a great degree successful. They believed that this conspiracy was suggested to the Native population by the favourable opportunity which presented itself in consequence of the state and condition to which the Government of India was reduced by the course of policy which had of late years been pursued by the Government of India, and by the reckless disregard of consequences with which that policy had been carried into effect. These might be strong opinions, but he did not avow them without being prepared to state fully to the House the grounds on which he was compelled to come to the conclusion that they were correct. Those who had studied the march of events in India could not have failed to perceive that a great change had of late years taken place in the conduct and policy of our Indian Government. The greatest statesmen which India had produced had all been of opinion that the wholesale annexation of Native States by the British Government was alike impolitic and unjust. But it would seem as if those who of late years had had the control of Indian affairs were utterly ignorant of the opinions and policy of those great and illustrious Indian statesmen whose maxims ought to have been their guide.

Before he proceeded further, perhaps the House would permit him to show what were the opinions of Sir Thomas Munro, the Duke of Wellington, Lord Wellesley, Mr. Mountstuart Elphinstone, Lord Metcalfe, and many others, in reference to the question of the annexation of the States of the Native Princes of India. The first authority he should give the House was that of the Duke of Wellington. It seemed that that noble Duke, at a very early period, entertained a very strong opinion as to the impolicy of annexing the States of the Native Princes, and extending unduly our empire in India. This was what the noble Duke wrote on the subject :—

" In my opinion, the extension of our territory and influence has been greater than our means. Besides, we have added to the number and description of our enemies by depriving of employment those who have hitherto found it in the services of Tippoo and the Nizam. Wherever we spread ourselves, particularly if we aggrandize ourselves at the expense of the Mahrattas, we increase this evil ; we throw out of employment and means of subsistence all who have hitherto managed the revenue, commanded or served in the armies, or have plundered the country. These people become additional enemies at the same time that by the extension of our territory

our means of supporting our Government and of defending ourselves are proportionably decreased."

These were the opinions of the Duke of Wellington at a very early period. The Marquess of Wellesley gave a practical illustration of his opinions on the subject; for when he had conquered the dominions of Tippoo he did not annex them, but handed them over to the Princes of Mysore. The greatest of Indian statesmen, Sir Thomas Munro, had given a very strong and decided opinion on this subject. He said:—

"Even if all India could be brought under the British dominion, it is very questionable whether such a change, either as it regards the Natives or ourselves, ought to be desired. One effect of such a conquest would be that the Indian army, having no longer any warlike neighbours to combat, would gradually lose its military habits and discipline, and that the Native troops would have leisure to feel their own strength, and, for want of other employment, to turn it against their European masters. There is no example of any conquest in which the Natives have been so completely excluded from all share of the government of their country as British India. Among all the disorders of the Native States the field is open for every man to raise himself, and hence among them there is a spirit of emulation, of restless enterprise and independence, far preferable to the servility of our Indian subjects. The existence of independent Native chiefs is also useful in drawing off the turbulent and disaffected among our Native troops."

Mountstuart Elphinstone's opinion was equally decided. He said:—

"It appears to me to be to our interest as well as our duty to use every means to preserve the allied Governments; it is also our interest to keep up the number of independent Powers."

He might go on quoting the opinions of Lord Metcalfe, Sir John Malcolm, and others to the same effect; but he would content himself with quoting only one other authority, and that the greatest living authority on Indian matters—Lord Ellenborough, whose practice, however, unfortunately for himself, had not always been in accordance with his preaching. Lord Ellenborough said:—

"Our Government is at the head of a system composed of Native States, and I would avoid taking what are called rightful occasions of appropriating the territories of Native States; on the contrary, I should be disposed, as far as I could, to maintain the Native States; and I am satisfied that the maintenance of the Native States, and the giving to the subjects of those States the conviction that they were considered permanent parts of the general government of India, would materially strengthen our authority."

The opinion of all these great statesmen was that India should be governed through the Native Sovereigns, and that was the policy of the Indian Government down to 1833. In that year a new charter was granted. Whether that had any influence he was unable to say; but from that year the ancient policy of our Indian Government was totally reversed, and our practice had been since then to take every opportunity of getting rid of the Native Governments and of the Native Princes, and of absorbing or annexing their dominions. He did not wish to offer any opinion as to the wisdom or justice of that policy; what he desired to do was to show the House the careless manner in which that policy has been carried into effect. It would be admitted that to carry out such a policy as that which he had described must of necessity have caused great dissatisfaction and discontent among the Native Princes as well as among the Native aristocracy of India; for if mismanagement or misgovernment on the part of a Native Prince was to be deemed a justification for dethroning him and annexing his dominions, who among them could be safe? Of what Native state might it not be said that misgovernment prevailed? The bare announcement of such a policy was calculated to create a feeling of anxiety in the breast of every Native Prince in India, and to destroy all confidence in the good faith and justice of the British Goverment.

But if the Government of India were determined at all hazards to carry out such a policy, it ought, at least, to have adopted those precautions which men usually took when they were about to attempt a difficult and dangerous operation. For example, it should have taken the advice which Captain Von Orlich gave to Lord Hardinge, and should have increased its European army in proportion as it increased its Native force. But, strange to say, it had never entered into the minds of those who were charged with the government of India to take any such steps. What were the Native States which had been annexed since the year 1833, which was the commencement of that policy? First of all we began with the small state of Coorg; that was followed by the annexation of Sattara; then came, at no great distance of time, the annexation of the immense territory of the Ameers of Scinde; next the annexation of the Punjab; after that of the territory of Pegu; then of Nagpore; and finally the seizure of the kingdom of Oude. All these territories, and some other smaller principalities, had been annexed to our Indian empire within that

short period without the addition to the army of a single European soldier. It was, of course, perfectly impossible to guard these newly-acquired territories without the presence of European soldiers. And what was the plan resorted to? The territory of Scinde, for instance, required the presence of a considerable European force for a long time; the occupation of the Punjab required a force of more than 10,000 men—half of the Queen's troops serving in India; the occupation of Pegu employed several European regiments. Well, to furnish these troops, the British Government was compelled to withdraw all its garrisons from the great stations and arsenals of Central India; so that when this rebellion broke out there were but two European regiments between Delhi and Calcutta, including, as that district did, the newly-acquired territory of Oude. All the great stations of Allahabad, Cawnpore, Dinapore, Agra, Benares, were committed to the guardianship of the Sepoys of the Bengal army. It was that distribution of forces which offered a favourable opportunity for the revolt which broke out. At the same time, moreover — matters being in this condition — Her Majesty's Ministers thought it wise to dethrone the King of Oude, he being the greatest and most influential of the Native Princes—to annex his dominions; and at the same time to engage in a war with Persia by which a large European force was withdrawn from service in India. The Government of India had many means of knowing the great dissatisfaction and discontent which were caused in the Bengal army by the annexation of Oude, and they must have been aware of the fact. He knew that many private letters had come to this country after the annexation, from officers commanding regiments in the Bengal army, stating that their men had gone to them in crowds, asking why the King of Oude had been dethroned; and he remembered being told by an hon. Member, long before the rebellion broke out, that thousands of petitions were being sent up from the troops of the Bengal army against the annexation of Oude. Surely these facts must have been known to the Government of India, and they ought to have convinced them that no great dependence was to be placed in a body of men who were dissatisfied and discontented, and who had showed of late years most unmistakeable symptoms of a disposition to mutiny whenever they had a grievance to complain of. On one occasion, when Sir Charles Napier commanded the army in India, it was proved that no less than thirty battalions of the Bengal army had entered into a correspondence to rise in open mutiny, and that mutiny was only repressed by the judicious measures adopted by that distinguished man. What was Sir Charles Napier's reward for that great service to his country? He was reprimanded by the Governor General. The greatest military genius that England had produced of late years, next to the Duke of Wellington, was forced to give up his command in India and to abandon those reforms which he had contemplated in the Bengal army, and which, if they had been carried out, might have saved us from the many disasters that had since befallen us.

To return to the annexation of Oude:—the manner in which that annexation had been carried into effect by Lord Dalhousie reflected the greatest discredit upon the Governor General and his Government. The annexation of Oude was no ordinary operation. It was not a mere transference of power from the King of Oude to the Governor General, but it was the dislocation of all the machinery by which the government had been conducted in that country for ages. The government of Oude had been carried on by the feudal nobility of India. The great feudal chiefs, the Chuckledars, commanded large districts of the country, and they maintained bodies of troops in their pay, numbering from 5,000 to 10,000 men each. Could it be supposed that those men, with arms in their hands, would allow themselves to be swept away by the British Government without attempting resistance? Besides the annexation of Oude involved an alteration in the tenure of land which more or less affected the position of every Oude Sepoy in the Bengal army, for they were all the sons of farmers or small proprietors in Oude. What was the effect? No sooner did the chiefs of Oude hear of the intentions of the British Government than they petitioned the King of Oude to be allowed to resist, offering to bring 100,000 men into the field with suitable artillery. The King of Oude refused, and issued a proclamation instead, announcing his submission to the British Government. That step for the moment paralyzed the efforts of the chiefs: but they immediately entered into correspondence with the Sepoys in the force under Sir James Outram, which was on the frontiers of Oude, and

they received the assurance of those men that in the event of a resistance in Oude they would not fire a shot against their countrymen. In the meanwhile the Governor General and his Council were in a fool's paradise—they were perfectly at their ease; but there was one man in India who was not at his ease, who warned the Government, who pointed out the folly of the course they were pursuing and the dangerous consequences that must inevitably result. That man was the late lamented Sir Henry Lawrence. Sir Henry Lawrence published an article in the *Calcutta Review* in which he said:

"The King of Oude employs 59,000 soldiers; his chiefs and officials at least as many more. Of these vast numbers one-fifth at the utmost have found employment in the police and irregular corps. Yet these levies, with half-a-dozen regular corps, form the whole army of occupation. This seems a grave mistake. Why not at least make a change? Why not move some of the Punjab regiments, that have been keeping constant watch-and-ward on the Indus for seven years, to Oude, and send some of the King's people to the north-west? The King had some 8,000 artillery; of these about 500 may have obtained employment; the rest—old and young—are on the world. Surely, if there was danger in employing Sikhs in 1849 it would be well to remove some portion of the Oude levies from Oude, where such materials for mischief still remain. In the province are 276 forts, besides innumerable smaller strongholds, many of them sheltered within thick jungles. In these forts are 466 guns. Forts and guns should all be in the hands of the Government, or the forts should be razed. Many a foolish fellow has been urged on to his own ruin by the possession of a paltry fort, and many a paltry mud fort has repulsed British troops. * * * * The 80,000 or 90,000 disbanded Oude soldiers are the brethren of the British Sepoys. The earliest days of an annexation are not the safest."

The warning voice of Sir Henry Lawrence was raised in vain. What, indeed, could have been expected of men who, after the rebellion had actually broken out, for six weeks or two months forwarded by every packet misrepresentations to Her Majesty's Ministers, and thus prevented them from sending out those reinforcements to India which, had they arrived six weeks earlier, might have saved us from so many disasters? He did not blame the Ministers, or the right hon. Gentleman the President of the Board of Control, for this. They could only act upon the information which they had received from the Council in Calcutta; but he confessed that he was surprised after such an exhibition of incapacity on the part of the Council, that they should still be allowed to wield the destinies of India,

In making his statement thus far the House would perceive that he had carefully abstained from offering any opinion as to the wisdom or justice of the policy of the Government. All that he had done hitherto had been to point out the faulty manner in which that policy had been carried into effect. But surely the question of justice was one which would be entertained in the House of Commons. There was a time when justice to the Native Princes of India was a favourite theme for discussion in that House. That was in the great and glorious days of the Whigs, when they had men worthy to be their leaders. What said Mr. Fox in the House of Commons in 1806, in reference to the conduct which we ought to adopt to the Native Princes of India, and particularly in relation to this very Principality of Oude? Mr. Fox said:—

"If the hon. Gentleman opposite thought that the Indian Princes were not entitled at our hands to the same justice as other independent Sovereigns, he hoped that the number in this House who agreed with him were but small. There was no proposition more universal than this, that you acknowledged the right of a Sovereign with whom you treated. It was true when an ancient Sovereign fell, and another came in his place, the feelings of regret for the fate of the sufferer might be more acute, and the indignation against the more recent Sovereign more strong and general. Yet this must be confined to third persons, for those who treated with him must by that act be considered as having acknowledged his authority. But if ever there was one case where the breach of treaty ought to occasion more indignation than in another it was where there was no power but the power of the sword, especially in India, where, as had been stated, that sword was the British sword. If ever there could be a case where a breach of treaty could be defended it was only in support of the weak against the strong. But in India the British ought to be bound by their compacts the more closely the more it was in their power to break them. This he hoped and believed would be the general sentiment of the House."

Those were the noble sentiments of Mr. Fox; but he did not stand alone among statesmen in giving utterance to such sentiments. There was another great statesman, whose influence ought not to be less with the noble Lord than that of Mr. Fox, —he meant Mr. Canning, who had spoken on the same subject. In 1819, Mr. Canning was President of the Board of Control, and he was strongly urged at that time by very influential parties to coerce the King of Oude into the payment of a large sum of money alleged to have been due to a Native banker named Dos. These bankers not being able to satisfy the claims

of some British subjects, some of them, to whom the claim was transferred, came to England with the view of endeavouring to induce Mr. Canning to take up their cause and coerce the King of Oude into payment of the money. What was the language of Mr. Canning? He mentioned this because it showed what was the opinion of Mr. Canning with respect to the rights of the King of Oude, and the force of that treaty which we had violated under the pretext that we had a right to do so. In a despatch to the Bengal Government, dated the 12th of February, 1819, Mr. Canning, said:—

"You are aware of our decided opinion upon the subject of interference with the Native Princes in matters of this kind; but had we no such general opinion we should feel ourselves precluded from all right of authoritative interference with the Vizier of Oude by the existing state of relations between the two Governments."

He added:—

"We are so much aware of the difficulty of divesting a friendly communication to a weaker power of the character of authority, and are so apprehensive that the consequence of pressing upon the Vizier the consideration of these claims might bring upon him others from various quarters, that we direct you to rest content with the attempt you have already made, and to abstain from any similar proceedings hereafter at the instance of those or any other claimants."

Let the House mark the considerate delicacy of Mr. Canning's accomplished mind. How different was his language from that blustering tone which had lately been assumed by the press in this country, and even sometimes by the Ministers of the Crown, not only with reference to the Native Princes of India, but even the greater Powers of Europe. With these two great men for their guides, he would now proceed to consider what was the sort of justice that had of late years been administered by the British Government to the Native Princes of India. He would not on that occasion enter into any discussion with reference to the annexation of the Rajah of Sattarah's dominions, or of those of the Ameers of Scinde. These questions had been already so often discussed in that House and the opinion of statesmen had been so frequently delivered there that he would abstain from referring to them. Nor would he on that occasion introduce the question as to the annexation of Pegu or of the territory of the Rajah of Nagpore. All he would say with reference to those various acts was, that none of them were acts either of necessity or of self-defence. In that respect they entirely differed from the annexation of the Punjab. He was quite ready to admit that the annexation of the Punjab was a measure of necessity and self-defence, as to which the Government were perfectly justified. But he would pass over those questions in order to come to that one which he believed to have been the immediate cause of all the disasters which had occurred in India—he meant the annexation of Oude. The policy of that annexation was not, as many had supposed, the policy of Lord Dalhousie. It had long been the object of our Indian Government. As far back as the year 1831 orders were sent out to Lord William Bentinck to annex the King of Oude's dominions. He did not think fit to carry those orders into effect; but in the year 1833 or 1834—probably at the beginning of 1834—a more positive order was sent out to him to dethrone the King of Oude, to annex his dominions, and to transfer his treasure to the treasury of the East India Company. That despatch was received by Lord William Bentinck, but he did not think fit to act upon it, and shortly afterwards he returned to Europe. He was succeeded in the Government of India by Lord Auckland, who went out in 1835. Lord Auckland carried out with him positive instructions from Sir John Hobhouse, at that time President of the Board of Control, to carry into effect the secret orders that had been transmitted to Lord William Bentinck. Upon the arrival of Lord Auckland in India he found that this secret despatch had been communicated and had fallen into the hands of the Prime Minister of Oude. That circumstance created a great commotion at the time. Lord Auckland hesitated to act upon his instructions. Some months previously to this, by the advice, it seemed, of Lord William Bentinck, the King of Oude had sent some magnificent presents to His Majesty King William IV. The persons who were despatched to this country with those presents had intelligence of the secret orders to dethrone the King of Oude and annex his dominions. That rendered it necessary for the Ministers to advise the King to decline the presents; but of course it was also necessary to make some explanation to His Majesty, which, of course, contained information with reference to the secret orders, and their subsequent publicity. His Majesty King William IV. thought the matter was of so much importance that he determined to consult the Duke of Wellington, Lord

Wellesley, and Sir Gore Ouseley, who had been for many years commander of the body guard of the King of Oude. He (Mr. Baillie) made that statement upon the authority of Sir Gore Ouseley himself. The opinion of those distinguished men was given to His Majesty, and that opinion was that the annexation of Oude would in all probability create a mutiny in the Bengal army. It was owing to these opinions, and partly, he believed, owing to the interference of His Majesty, that the intention to annex Oude was then dropped. Shortly after these events commenced that series of wars in India which lasted for a period of thirteen or fourteen years. They commenced, as was well known, with the war in Affghanistan, which lasted for years. Then commenced the war in Scinde; and that was scarcely concluded before we commenced a war in Gwalior. Next began the war in the Punjab. This brought us down to the time of Lord Dalhousie's administration. It appeared that the whole of the peninsula of India was then reduced to a state of tranquillity. It then immediately occurred to Her Majesty's Ministers to revive their ancient project against the King of Oude. Lord Dalhousie was the instrument employed, and a willing one he believed. Be that as it might, the order was given, the act was consummated, Lord Dalhousie had received his pension, and we now know the result.

The territory of Oude was one of the most rich and fertile portions of India. That might perhaps account for the pertinacity of the Government's intentions with reference to it. Oude had, in fact, been termed the Garden of India. It contained a population of about 5,000,000; the inhabitants were a fine martial and agricultural race, husbandmen and warriors by trade. The Nawabs of Oude had long borne the hereditary title of Viziers of the Mogul empire; they received it from their great ancestor Timor the Tartar, who, when he conquered India, gave to the Generalissimo of his army, who was a member of his own family, the territory of Oude, and also gave to him and his descendants for ever the title of Viziers of the Mogul empire. That conferred upon them great power over India. Indeed, during the time that Lord Hastings was Governor General, he was so deeply impressed with the dangerous influence which might at some period or other be exercised by the Vizier of Oude against British power, that he conceived the project of inducing the Nawab of Oude to accept the title of King of Oude, in the hope of thereby compromising him with the descendant of the Mogul at Delhi, and thus destroying his influence over the Native Princes of India. Lord Hastings, after stating some of his reasons for encouraging the Nawab Vizier of Oude to accept the title of King, and thereby withdraw his allegiance from the Mogul, and alluding to the indignation expressed by the Court of Delhi on the occasion, said, that his policy had turned out eminently successful. He said,—

"The offensive animadversions were keenly resented by the Court of Lucknow, and an irreparable breach between the two Mahomedan States is avowed. Had it not been for this public reparation and the renunciation of all connection the Sovereign of Oude might on some day have found himself, contrary to his most earnest wish, involved in warfare against us by the general sense of his nobles as well as by the prejudice of his people. While the hostility of the country would have had the inconvenience which I have already described, the character of the Sovereign, admirable for uprightness, humanity, and mild devotion, would have bestowed colour on the adverse cause, and his treasury might have been efficaciously employed in the payment of troops assembled against us in other quarters."

He mentioned these facts to the House to show the importance which Lord Hastings attached to the influence exercised by those Princes. He might first, however, say, that the rulers of Oude had always been most attached allies of the British Crown. They had aided and assisted us in all our wars both with men and money. They had been of great service to us in the Affghan war, and had supplied a sum of money to Lord Ellenborough, which had enabled him to send up supplies to the army of General Pollock; and that fidelity on their part had been fairly acknowledged by Lord Dalhousie in that very document in which he had collected everything which he could against the then Sovereign of that country. Lord Dalhousie, in one of his minutes, stated,—

"That the rulers of Oude have ever been faithful and true in their adherence to the British power. No wavering friendship has ever been laid to their charge. They have long acknowledged our power, have submitted without a murmur to our supremacy, and have aided us, as best they could, in the hour of our utmost need."

And in another place he stated,—

"After the picture which I have given of the administration of affairs in Oude it is my duty to state that since the days of Vizier Alee none of the Sovereigns have, either from disposition or habit, been cruel or tyrannical; they have been all gentlemen, humane and generous."

Well, then, the only charge which had been brought against the King of Oude

had been mismanagement of his territories, and the alleged oppression of his people. Now, a pretext so barefaced and hypocritical was, in his opinion, at least as disgusting as the open violence which had been shown was discreditable to the British Government. He would ask the right hon. Gentleman (Mr. Vernon Smith) who signed the order for the annexation of Oude, was Oude worse governed in 1856, than it was in 1801, when Lord Wellesley signed a solemn treaty by which, in consideration of the cession by the then Sovereign of Oude of half of his territory, which had then yielded nearly two millions of revenue, and which he believed now yielded four millions, he bound the British Government to maintain for ever the integrity of the remaining half of that territory? He was aware that attempts had been made to show that we had a right under that treaty to interfere, but such had not been the opinion of Lord Wellesley. Lord Wellesley signed the treaty in 1801, and in 1802 he gave expression to his views with regard to that treaty. In the volume of Treaties and Agreements with Native Princes, published in 1812, was a paper signed by the Marquess of Wellesley, entitled final arrangements with the Nabob Vizier-Saadut Alee, and dated 1802, and that paper contained the following passage:—

"The Governor General now proceeds to state the general principles by which the connection and intercourse between the two States are to be regulated henceforth. By the terms of the treaty concluded between the British Government and his Excellency the Vizier, on the 10th of November, 1801, his Excellency the Nabob's authority is to be completely established within his reserved dominions, and to be exercised through his Excellency's own officers and servants, the British Government having engaged to guarantee the establishment and exercise of his Excellency's authority within his reserved dominions, and the Governor General will never depart from this engagement."

And Lord Wellesley concluded this final agreement with the Vizier by declaring that,

"As no question of difficulty remains between the British Government and his Excellency, the Governor General entertains a confident hope that no future vexation can occur in the transaction of affairs."

Well, then, he would ask the right hon. Gentleman another question, whether the mis-government in Oude was greater than that in other Native States? Was it greater than that which prevailed in the territories of the Nizam? Or was the House to understand that when affairs in India had resumed their natural course that the Government proposed to return to a similar policy and again proceed to dethrone those Native Princes who misgoverned their territories? Was the Nizam to be the next victim? Were the services of that Prince, who had stood by us in the hour of need, to be forgotten as we had forgotten how the Princes of Oude had stood by us on many former occasions? These were questions for the House of Commons to decide—for they could no longer be left to the Ministers of the Crown and the East India Company—but on them the future fate and tranquillity of India will depend.

Now let the House remember what was the nature of that Government which had assumed to itself the right of dethroning any Prince for mismanagement of his State. Was there no such thing as misgovernment in British territory in India? The people of this country had been so long accustomed to look with favourable eyes upon our rule in India—they had been so long accustomed to regard it as a mild paternal despotism exercised for the benefit of the people in India—that their minds had been somewhat shocked by the disclosures which had lately been made as regarded oppression to the Natives, and their faith had been somewhat shaken in the paternal nature of that Government. Now, from whom had these revelations come? Why, from men of the highest authority in India, and who held the highest positions in that country. Sir Charles Napier had been one of the first to reveal the real condition of the Bengal army. He told us that we were resting upon a volcano which might at any time burst and overwhelm us, but his advice was unheeded. Civilians, too, of the highest rank had revealed the state and condition of their own Government; and first and foremost among those who had done so stood one name, the name of a gentleman which had repeatedly been quoted in the debate upon the previous evening, a gentleman who, although, in his opinion, accustomed to talk a little too much, nevertheless was a very high authority upon the subject,—he meant Mr. Halliday. And what did Mr. Halliday say. Why, he writes:—

"The administration of justice is nowhere alleged to be worse in Oude than it is within our own districts; and it could not be possible in the most barbarous country in the world to discover anything more atrocious as a system than is laid

open in the recent Report of the Commissioners appointed to inquire into the practice of torture in the territories of Madras."

And the same view was expressed by Mr. M'Leod Wylie, a Judge of one of the Supreme Courts, with regard to the progress of education and the administration of justice generally, which he said was a mere mockery. Such were the statements of the highest Indian official in India with respect to our Government.—[Mr. MANGLES said, the authority last quoted was not a Judge of the Supreme Court.] He believed that he was a Judge of some kind. In his opinion, the Government of India would have been better employed of late years in reforming its own internal administration than in wasting its energies and its resources in the annexation of Native States and the extension of its territory.

But then they were told by the Indian reformers—very few of whom he regretted to see present that night—that all these evils were to be remedied by getting rid of the East India Company, and placing the affairs of India in the hands of the Minister of the Crown. If, however, it could be shown that all the principal acts of violence of which he had spoken had been the acts of the Minister of the Crown, and not of the Court of Directors—that it was due to the direct orders of the Ministers that those steps had been taken which had led to the disorders in that country—how would this remedy apply? What, again, if it could be shown that the resources of India had not been developed of late years mainly because its revenues had been squandered by the direct orders of the Minister of the Crown, without the consent, and often against the remonstrances of the East India Directors? General Tucker, although in favour of abolishing the Court of Directors, made this admission in a pamphlet which he had recently published:—

"The India House is made the scapegoat when anything goes wrong; it is attacked for measures it never originated, which it may even have opposed. It is, for instance, at this moment doubtful what were the views of the Directors in reference to the annexation of Oude, and in the Affghan and Scinde questions they were notoriously overruled. In the former, Lord Broughton boasted openly that 'alone he did it,' and the attack and conquest of Scinde was assuredly the work of Lord Ellenborough."

He was one of those who, when the Charter of the East India Company was last under discussion, urged upon the House that the time had arrived when the Government of India should be carried on in the name of the Queen. He was still of the same opinion. Nevertheless, he saw no reason why that should not be effected without making any change in the general administration of the Government. There was, in his belief, a change necessary; but it was a change of a very different nature. The change he thought advisable was, that some restrictions should be placed upon the unlimited power of the Minister for India. That was the opinion of the Court of Directors in 1833. In that year, when the Charter Act was under the consideration of Parliament, the Court of Directors petitioned that, in cases where they differed from the Minister of the Crown upon questions of very great emergency they should be allowed an appeal to Parliament. The Government of that day was powerful, and their demand was arrogantly rejected. He had no doubt that the powerful Government of the present day would reject a like demand. He would take the liberty of reading to the House an extract from the letter of the Chairman and Deputy Chairman of the Court of Directors to the Government in reference to this subject in 1833. [The hon. Gentleman here read the letter in question, in which the writer stated that the appeal they desired was an appeal from the merits of the case—not, indeed, generally, but on questions of a special nature, it never having entered into the contemplation of the Court that there should be a system of appeal resorted to on every difference of opinion. They conceived, that if the proposal were entertained, there would be little difficulty in limiting the right to cases in which long experience had proved it to be desirable, such as when the Minister was about to take a course which appeared to the Court to be unconstitutional—to militate against the sound principles of Indian Government—to interfere with substantial justice to our allies—or to endanger the security of the empire. In these cases the Court ought to have some appeal against such an exercise of authority, or at least some means of enforcing the personal responsibility of the Minister—an object which the Court thought would be best accomplished by requiring the projected measures to be communicated to Parliament. There were great difficulties in the way of bringing under the notice of Parliament important subjects connected with India. Papers might indeed be moved for; but if the Minister did not concur in the Motion, their production would be refused. The feeling

of the Court, therefore was, that publicity as the rule, and not as the exception, would be the best mode of imposing an effectual check upon the Government.] What evils we should have avoided if this recommendation of the Court of Directors had been adopted by the Government in 1833! We should have had no Affghan war, no war in Scinde, no Persian war; and, lastly, he believed we should have had no annexation of Oude. The Court of Directors were right when they stated the difficulty of bringing questions connected with India under the notice of that House. It was, indeed, the distaste of Parliament for the discussion of Indian affairs that had rendered the Minister for India absolute and practically irresponsible. That neglect had now produced its fruits. They had been signally chastised and punished as a nation. Let them hope that, having experienced the faults, the follies, and the mismanagement of the past, they might arise from their humiliation with a far deeper sense of their responsibility, and of the duties they owed to the countless millions whom Providence had committed to their hands. But, above all things, let them hope that they would never again forget that they were Christians, and had a solemn account to render before that tribunal at which Princes, Parliaments, and Nations must appear—the tribunal of the Great Governor of the Universe.

Motion made and Question proposed,—

"That there be laid before this House, Copies of a Secret Despatch, signed by the President of the Board of Control, in the year 1831, addressed to Lord William Bentinck, and ordering him to annex or otherwise assume the administration of the Kingdom of Oude:

"Of the Despatch of Lord William Bentinck, explaining his reasons for not carrying those orders into effect:

"Of the Correspondence which took place, through the Secret Department of the India House, between the President of the Board of Control and the Governor General of India, in the years 1833, 1834, and 1835, in reference to the annexation of Oude:

"And, Copy of a Note or Minute, signed by Sir Henry Ellis, when a Member of the Board of Control, explaining his reasons for dissenting from the projected annexation of Oude."

Mr. VERNON SMITH said, that before the hon. Member rose his noble Friend (Viscount Palmerston) had requested him to postpone the Motion of which he had given notice, in order that the House might proceed with the debate on the Indian Government Bill. The hon. Gentleman declined to comply with this request, on the score that it was necessary to acquaint the House with certain information not then in its possession that it might be enabled the better to make up its mind on that Bill. He regretted extremely that the hon. Member had taken that course, not that he had not been satisfied to hear his statement, but that it might as well have been introduced into the discussion on the India Bill, instead of forming a separate Motion and prolonging that discussion.

Mr. H. BAILLIE said, he had given notice of his Motion long before the noble Lord's Bill was introduced.

Mr. VERNON SMITH said: he was aware of that; he did not object to the hon. Gentleman's having given that notice, but thought that upon the appeal of his noble Friend he might have delivered his speech, full, as it was, of documentary information, in the course of the other debate, particularly as he seemed to have used it for the purpose of expressing his opinion on a question upon which that debate turned. Indeed, he should collect from the hon. Gentleman's address that the Ministry would have his vote in favour of their Bill, because he had found as much fault as possible with the existing Government of India. If any hon. Gentleman thought that to condemn the Board of Control and the present system was at the same time to condemn the Bill of his noble Friend they were totally mistaken. To find fault with the Board of Control as well as with the Court of Directors was, in fact, to find fault with the present system, and it was to alter that very system that the Bill had been introduced.

He hoped that the hon. Gentleman would not think him wanting in respect if he abstained from answering—or he should not say answering, inasmuch as he agreed in much that the hon. Gentleman had said—but if he followed him at much less length than he had himself occupied in developing his ideas. Many of his views were backed by authorities to which he was not then prepared to reply, because he had not anticipated that the hon. Gentleman would go at such great length into the subject. The notice which he gave was that he should "call the attention of the House to the causes of the present outbreak in India," and he commenced by stating that it was very difficult to say what were those causes, because none of the men in England, who were best qualified to give opinions, including the hon. and gallant Gentleman

the Member for Reigate (Sir Henry Rawlinson) whose advent to that House they had on the previous evening hailed with so much satisfaction, and the hon. Member for Leominster (Mr. J. P. Willoughby) could describe them. Where the Directors, the ex-officio councillors of the State upon this subject, had feared to tread the hon. Gentleman has rushed in; but he himself had assigned only one cause for all the evil —the annexation of Oude. He had not canvassed any of those various supposed causes which were suggested last Session by the right hon. Member for Bucks, and which he (Mr. Vernon Smith) and others had then discussed. It was singular, but it was notorious, that since that date we had not at all advanced towards a solution of this question; and that at the present moment not only the Government, who might be accused of ignorance and incompetency, but the most eminent men in India, were unable to say what were the causes of the mutiny. Even Sir John Lawrence, the man whose opinions were most favourably received in that House, said that he was still ignorant of those causes, and that he could not satisfy himself that there was any conspiracy organized beforehand sufficient to account for the most extraordinary proceeding which had, perhaps, ever happened in history. The hon. Gentleman then embarked upon an historical disquisition on the general Indian policy of late years, and he fixed upon the year 1833—probably because then the Ministers of the Crown became more responsible for the Government of India—as the date at which a new policy, what he called a policy of annexation, was commenced. He found fault with the policy which had been pursued under the administrations of Lord William Bentinck, of Lord Auckland, of Lord Ellenborough, and of Lord Dalhousie; in fact, with all the noblemen who had administered the affairs of India between 1833 and the present year, and through them with the Governments of all parties who had been in office during that time. Now, no one, he imagined, would accuse either Lord William Bentinck or Lord Auckland of having pursued a policy of annexation, and therefore if such a policy had been adopted the blame must fall principally upon Lord Ellenborough and Lord Dalhousie. But the hon. Gentleman was entirely mistaken because he could not perceive that any such policy had been adopted or acted upon in India. A policy of annexation meant a policy of acquisition—a policy in accordance with which you should take possession of every territory which you could acquire either by conquest or cession. Now, although there had, from time to time, been acquisitions of territory in India, he did not believe that any Minister or any Governor General had ever, either publicly or privately, laid down such a policy. Annexations were of two kinds, either to extend the frontier, or to absorb the State of a Native Prince, with whom we had a subsidiary treaty, and whose territory was in the interior of our own possessions. The hon. Gentleman had referred to both species of annexation, but he had admitted that one kind was founded upon very sound policy. No one could doubt that, during the recent outbreak, we derived great advantage from having annexed the Punjab. Not only did the possession of that province prevent our being attacked from that quarter, but the existence of large forces in the Punjab enabled us to strike at the mutineers much earlier, and more effectually than we could otherwise have done. It was to those troops mainly that we owed the rapid suppression of the mutiny. The policy of annexation, as it was called, was a very doubtful one, and the only fair way was to judge of each acquisition of territory according to its own justification, and its own value. To a general policy of annexation, not merely he (Mr. Vernon Smith), but every man of sense, must be opposed; nor was it part of the spirit of any Court of Directors or of the Home Government: yet in spite of all the declarations, both oral and written, made by the Court of Directors and by different Ministers, almost every Governor General had added something to our possessions. A man who went out to India in that position must go out with a desire for fame, and unfortunately, in India, fame was only to be obtained by the acquisition of territory. That was the great temptation to which Governors General were exposed, and it was against that, therefore, that the Government at home ought mainly to exert themselves; but he thought that the hon. Gentleman had failed to show that the Government at home had not discharged that duty. The hon. Gentleman had endeavoured to distinguish between the Crown and the Court of Directors; but he contended that, in all cases of annexations, if there was any crime, the Crown and the Court of Directors had been

equally culpable. In almost every case which he had mentioned they had gone hand in hand. The first mover was the Governor General, but the backers and supporters of his policy had always been the Court of Directors and the Crown. The hon. Gentleman was not accurate when he stated that, with all these annexations, there had been no addition to the number of European troops in India. Although the increase had not been large, it was a fact that, since 1833, the number of Queen's troops had risen from 20,000 to 24,000, while there had also been an addition of three European regiments, one in each Presidency, to the army of the Company. The hon. Gentleman might say that the increase was but small; but it had been made; and the reason why the increase had been so small, was, that up to the 10th May, 1857, we had always depended upon Native troops. Our policy had been to make the Natives so subservient there that they should form regiments of police to retain the countries which we had annexed; and it had been the admiration of all mankind that the Government of India had been able to do that which all other nations had failed in doing—not only to conquer the nations, but to compel the inhabitants themselves of the conquered countries to maintain our conquests. Proceeding with his history, the hon. Gentleman said that the mutiny broke out because the Natives saw that a favourable moment had arrived. He much questioned the accuracy of that expression, because he thought that the period of the Crimean war would have been a much more favourable opportunity than that which was selected for the commencement of this outbreak. The hon. Gentleman complained that at the same time that they were annexing Oude, the Government embarked in the Persian war. That was a matter of fact; but there was no apprehension of any outbreak in Oude, and the Persian war had thrown no obstacle in the way of putting down the mutiny, because the troops which had returned from that expedition were the first which applied themselves to its suppression. That war he had, on a proper occasion, been prepared to defend, not only as having been justifiable and politic, but also as having greatly added to our prestige in India. He was sorry to hear the hon. Gentleman say that the annexation of Oude was effected in a manner most discreditable to Lord Dalhousie, because neither in that House nor elsewhere had that noble Lord been well treated by those who now objected to his policy. For nearly two years the annexation of Oude had been before the country, and had never been discussed in that House; yet it was now whispered that the Directors had nothing to do with it. That was totally and entirely incorrect. Lord Dalhousie, as the hon. Gentleman had said with something of a sneer, received a pension, but that pension had not even been objected to in the House of Commons, except that an hon. Gentleman had asked if the Court of Directors had power to grant it. The Court of Directors had thanked Lord Dalhousie, and as one of their reasons for their thanks they mentioned the acquisition of Oude. The annexation of that country was effected by Lord Dalhousie with great ability. Such was the confidence of the Directors and of himself in that noble Lord, that they left to him, as to the manner of the annexation, a latitude of discretion such as had hardly ever been left to a Governor General; and they thought then, and still thought, that he had conducted that operation in the best, in the most manly, and in the most creditable manner possible. The hon. Gentleman said the notion of annexing Oude was not first entertained by Lord Dalhousie. That was true, for the idea of annexing Oude had existed since 1799. It was held by Lord Wellesley, and every succeeding Governor General of India down to the time of Lord Dalhousie, not because it was one of the richest territories of India, but because it was in close neighbourhood to our own dominions, and one of the worst governed countries on the face of the earth. There were despatches in the blue books detailing the horrors of the Government of Oude, and, indeed, the materials on this point were so numerous that he could occupy the time of the House for hours without exhausting the subject. If the hon. Gentleman wanted more information on this subject he would recommend him to read the revelations made by Colonel Sleeman, and see in the work called *The Private Life of an Eastern King* a true description of the condition of affairs under the King of Oude. The hon. Gentleman asked if we could point out any difference between the state of Oude in 1801 and 1856. His reply was, in those very fifty years during which matters had become so much worse in Oude, that at length the period arrived when it became absolutely necessary to put an end to a state

of things that could no longer be tolerated. Lord Dalhousie very naturally, having exercised a splendid reign in India, wished to close it by accomplishing an act which everybody had desired to accomplish, but which no one had ventured to grapple with but himself. The hon. Gentleman contended that by the treaty of 1801 we were not entitled to deal in this way with the Government of Oude. But Lord Dalhousie had shown in his Minute that by the third article the Nawab Vizier engaged that he—

"Will establish, in his reserved dominions, such a system of administration, to be carried into effect by his own officers, as shall be conducive to the prosperity of his subjects and be calculated to secure the lives and property of the inhabitants; and his Excellency will always advise with and act in conformity to the counsel of the officers of the East India Company."

The article was never complied with, and therefore had we not fair ground for saying that the treaty was broken on the part of the Government of Oude? The hon. Gentleman further said we had dealt unfairly with the King of Oude, and that he had no reason to expect he would receive such treatment from an ally like that of the Government of India. Lord Dalhousie, it was true, bore testimony to the merit of the King of Oude as an ally; but how could he be otherwise than a faithful ally when we were supporting him upon his throne and supplying him with our soldiers? He was but too happy to gain these objects by rendering us in return some assistance; but all along his conduct was so bad that he was continually receiving warnings. He was warned in 1831 by Lord William Bentinck, who told him that—

"If the warning he then gave was disregarded it was his (the Governor General's) intention to submit to the home authorities his advice that the British Government should assume the direct management of the Oude dominions."

And His Majesty was informed that the Court of Directors had subsequently granted to the Governor General the authority which he had asked for that purpose. He was again warned in 1847 by Lord Hardinge, who impressed upon the King "the great importance of making salutary and decisive changes in his administration," and remarked—

"By wisely taking timely measures for the reformation of abuses as one of the first acts of your reign, you will, with honour to your own character, rescue your people from their miserable condition; but if your Majesty procrastinates you incur the risk of forcing the British Government to interpose by assuming the government of Oude."

Lord Hardinge gave him two years to accomplish that object: but still nothing was done. Lord Dalhousie gave him seven more; nothing was done. Surely after that it was time to interfere. The oppression of his people of which he was guilty was the sole cause and a sufficient justification of that interference. That oppression he promised time after time to remedy and bring to an end; but instead of doing so, his tyranny rose to such a pitch that it was no longer tolerable. Let the House reflect how that oppression was maintained. It was by British bayonets. It was by maintaining troops for his use that the King of Oude was enabled to tyrannize over his unfortunate people; and when the question which Lord Dalhousie had to decide was, whether he would withdraw those troops and expose the country to anarchy and confusion, or take possession of the province, he thought he took the most manly course in deciding upon the latter alternative. If anarchy and confusion had prevailed in our immediate neighbourhood, it would have been evident to everybody that it was with our knowledge and cognizance, and every civilized State would have cried out upon us as the authors of the evil—every Native State in India would have sneered at our pretensions to superior morality when they saw us conniving at a state of anarchy and disorder in the province of Oude. Lord Dalhousie took the right course, therefore, when he assumed the Government of Oude. The hon. Gentleman pointed to this annexation of Oude as the chief, if not the only cause of the mutiny. Now, that might be so, and yet the Act be justifiable in itself. It might possibly have led to consequences which were not foreseen at the time. Who did foresee what had happened in India? And if we were incapable of foreseeing all the mischief that ensued, he was perfectly willing that the annexation of Oude should be reckoned amongst those acts which we did, and did justly at the time, in our dream of the fidelity of the Native army. But when the hon. Gentleman pointed to the annexation of Oude as the cause of the mutiny he (Mr. Vernon Smith) would call the attention of the House to dates. Oude was not the place where the mutiny broke out. It did not appear there till at least a month after it had broken out at Meerut. But it arose, he said, from the number of Sepoys from Oude employed in the army. It was not easy to arrive at exact conclusions in matters of this kind,

when it was so often found that what they considered logical results failed them; but it must be borne in mind that there were Sepoys in the Bombay army, and in other parts of India, where they showed no disposition to rebel. But the Oude army subsisted on the plunder of the people of Oude, and were no doubt sorry to be deprived of it by the annexation; it was the destruction of monopoly, and very naturally those who had profited by the monopoly were discontented. But the advantage was all on the side of the people of Oude. There can be no doubt that the first account we had from Oude, after the annexation, was that everything was proceeding tranquilly, and that the entire transfer of the province to the British dominions had been made, as was stated in one despatch, without a single drop of blood being shed or even a single murmur. The hon. Gentleman said that in 1833, there were secret orders given to the Governor General to annex the kingdom of Oude. He spoke so positively on the subject, and seemed to have studied it so maturely that he (Mr. Vernon Smith) was loth to contradict him in making that assertion; but he was able to say that when he made inquiry after this secret despatch he was unable to find it. He inquired of Mr. Waterfield, one of the most experienced clerks to be found in any office under the Crown. He was all that time connected with the Secret Committee, but remembered nothing of such a despatch. His noble Friend (Lord Glenelg) had assisted him with his recollections while he was making his inquiries. His noble Friend was President of the Board of Control at the time the hon. Gentleman had referred to, but neither could he recollect any such despatch. All he would now say was that if it could be found it would be produced to the House. He begged to observe, however, that the scheme of annexing Oude was always in contemplation, and that it was one to which no objection was made by the Court of Directors. When the hon. Gentleman said Her Majesty's Government ordered Lord Dalhousie to carry out the annexation of Oude he was mistaken. Lard Dalhousie suggested the dealing with this question himself. He said:—

"In addressing you upon this subject I would venture to urge upon you an early consideration and decision of the question relating to Oude. From indications of your opinion upon this question, which already appear upon record, and from the nature of the case, which has now been laid before you, it seems to me impossible that you can ultimately avoid having recourse to the measure which has been recommended for your immediate adoption. If under these circumstances you should consider that the experience of eight years will arm me with greater authority for carrying the proposed measure into effect than any Governor General when first entering on the administration of this empire is likely to command, I beg permission to assure you that I am ready to undertake the duty."

The hon. Gentleman therefore, could hardly assume that the Government originated the intention of dealing with Oude, though as regarded the act he was of course prepared to say that the Government was responsible for it as well as the Court of Directors. General Low, who had always been opposed to annexation, and who had been quoted by the Member for Bucks, in the last Session, as the best authority against that policy, had put upon record a minute of his approval of the annexation of Oude, because of the shameful oppression of the people by the Government, the general infraction of the treaty by the King, and because the relative position of Great Britain to that kingdom differed from that in which it stood to any other Native State. He also thought that such a step would prevent future misrule in Oude itself. General Outram, too, the Commissioner at Lucknow, who had stood up for the Ameers of Scinde, subscribed to the policy of annexing Oude, and every man at all acquainted with the country, whose authority was of any value, likewise approved of it. It was upon the strength of their authority Government had acted, and was now prepared to take the responsibility.

Again, the hon. Gentleman had told them that the Crown was responsible for most of the wars that had taken place. He (Mr. Vernon Smith) thought upon that point the hon. Gentleman was completely mistaken. The only case on which the hon. Gentleman had dwelt was that of the Affghan war. He (Mr. Vernon Smith) would call to his recollection a speech on that subject made recently at the India House by Mr. Prinsep, which he thought finally settled that question. Mr. Prinsep was at the time Secretary to the Council at Calcutta, and he positively objected in writing to that war, and yet he had the candour and fairness to state during the discussion the other day at the India House that for the Affghan war the Indian Government was as responsible as

Her Majesty's Ministers. He (Mr. Vernon Smith) could only conclude that the hon. Gentleman, in bringing forward this motion for the sake of showing that the Crown was not to be trusted with the management of Indian affairs, had only shown that the Board of Control was not to be so trusted, and that he (Mr. Vernon Smith) contended was an attack on the existing Government of India. The Board of Control might be as much to blame as the Court of Directors. It was against the union of those two powers that Her Majesty's Ministers had thought fit to act, and to introduce a Bill for the purpose of their abolition. With regard to the return moved for by the hon. Gentleman, he did not know of anything in the papers called for which he should not be perfectly ready to produce; but he believed the answer to the principal subjects indicated in the Motion would be *nil*. With respect, for instance, to "copies of a secret despatch signed by the President of the Board of Control in 1831, addressed to Lord William Bentinck, and ordering him to annex or otherwise assume the administration of the kingdom of Oude," he was told that it would be very difficult to find such a despatch either at the India House or at the Board of Control. He might here remark, as a proof of the general ignorance that prevailed as to the India administration, that even the hon. Gentleman (Mr. Baillie) himself, who at one time had the honour of a seat at the Board of Control, did not seem to be aware that by the forms of office at that Board the President did not sign any secret despatches. He (Mr. Vernon Smith) believed that the "despatch (moved for) of Lord William Bentinck, explaining his reasons for not carrying those orders into effect," was already before Parliament. Copies of "the correspondence which took place, through the Secret Department of the India House, between the President of the Board of Control and the Governor General of India, in the years 1833, 1834, and 1835, in reference to the annexation of Oude," the hon. Gentleman could also have if they could be produced; but he had already told the hon. Gentleman that the letter of which he had spoken was to him (Mr. Vernon Smith) a perfect novelty. As to "a copy of a note or minute, signed by Sir Henry Ellis, when a member of the Board of Control, explaining his reasons for dissenting from the projected annexation of Oude," that also might be produced, although the hon. Gentleman must be aware that a minute made by a member of any Board, and not officially made, was rather in the nature of a private document. But he (Mr. Vernon Smith) was exceedingly anxious that the whole of the information which the hon. Gentleman thought necessary to elucidate the subject under discussion should be placed in his possession, and any of the papers indicated in the Motion, he should be ready to produce if it was in his power to do so.

LORD JOHN RUSSELL: Sir, I certainly am not going to enter into the general question of the causes of the mutiny in India, and still less shall I enter into the discussion of that question which stands as the subject of an adjourned debate—namely, as to the future government of India. But at the same time time, Sir, it seems to me that an impression might be produced by the statement of the hon. Gentleman opposite (Mr. Baillie) with respect to Lord Dalhousie, which it is but just to that noble Lord to endeavour to set right. Lord Dalhousie governed India for six or seven years with great ability; he devoted the whole of his time and his talents to the duties of his high office; he exhausted his health in the performance of those duties; and I do think it unfair, now that his health has been very much broken down, and that he has not the means of coming forward in Parliament to defend his own character and his own proceedings, that there should be imputations from day to day upon the character of that noble Lord, all which it appears to me are undeserved. Sir, I don't pretend to speak from any intimate knowledge or recent attention to the whole of the government of Lord Dalhousie; but I have collected from the papers laid before Parliament that the accusations made against Lord Dalhousie with respect to this question of Oude, on which the hon. Gentleman (Mr. Baillie) has dilated at considerable length, are made in ignorance of the circumstances. The question is one, as my right hon. Friend (Mr. Vernon Smith) has just said, of half a century's duration. The misgovernment of Oude at the end of the last century was so extreme and so notorious, that Lord Wellesley thought it necessary to interfere; and the manner in which he interfered was by two measures—one, by taking away half of the territory of the Vizier of Oude, and the other by making a treaty, by which the Government were to maintain a subsidiary force in Oude to support the Vizier against all dangers external

and internal; receiving in return a promise from the Vizier of Oude that in governing the territory that was left to him he would take the advice of the East India Company and act in conformity thereto. That article of the treaty has been read by my right hon. Friend; but the House will observe that the whole virtue of that treaty lies in the words that the Vizier was to "act in conformity thereto." Now, I think it is Mr. Mill who observes that the proceeding of Lord Wellesley was not founded on very good reasoning, because, if it was found impossible for the Nawab to govern a portion of his territory well without British supervision, then the whole territory should have been taken away from him; but if, upon the other hand, we could have any sufficient security for his good government, then it was unjust to deprive him of one half of his dominions. It is not my business to say whether Lord Wellesley was right or wrong in that respect; but such was the treaty which he made; and I believe that from that time, 1801, till 1856, hardly a year or two years passed without that treaty having been violated by the Sovereign of Oude. The East India Company advised the appointment of a person of rank and respectability as a Minister of the Vizier. The Vizier accepted that person as his Minister. But the low persons about the Court, who had the ear of the Vizier and wished him to govern for their own interests, very soon undermined the Minister, and he was dismissed. A corrupt and profligate Court spent enormous sums of money in ministering to their own pleasures; the people on whom the taxation fell were reduced to the last degree of poverty; and when any resistance was made to the payment of those taxes, British troops, under the command of British officers, were sent to enforce their collection. The consequence was the greatest oppression of the people and the most injurious system of anarchy throughout the kingdom. Now, it is obvious that it was a great disgrace to the British Government that such a system should be enforced by British troops, and that the name of His Majesty the King of Great Britain should be employed in upholding a corrupt and vicious Court. Therefore, every Governor General, from 1801 to this time, from Lord Wellesley to Lord Dalhousie, was constantly representing that the treaty was not observed, that it could not be allowed to be continually violated, and that some course or other should be taken to put it in force. When they complained of the infraction of the treaty, the Nawab as constantly said that he would take the advice of the East India Company, and that every measure of reform which the Resident at his Court might be pleased to suggest should be carried into effect. The advice of the Company was often listened to for some two or three months at a time, but then the Minister was dismissed, and the same course of misgovernment and oppression was resumed. About 1835 Lord William Bentinck—certainly not a man who could be accused of a violent spirit of conquest or annexation—not a man who was disposed to act harshly or to use great pressure in his dealings with neighbouring Princes, but a man who administered India in as pure a spirit of beneficence as any Governor General ever displayed—declared that it was disgraceful to the British Government, disgraceful to the East India Company, disgraceful to the monarchy of Great Britain, that the system which had so long existed in Oude should be allowed to continue. He therefore proposed that there should be one of two courses taken—either that the British troops should be entirely withdrawn and the treaty declared at an end, or that Oude should be annexed and administered by our own officers. I think Lord William Bentinck advised the former of these courses; but, at all events, the result of his correspondence with the Court of Directors was, that it was thought proper to go on for some time longer, to endeavour to reform the Government of Oude, and not to take so extreme a step as putting an end to the treaty. But from 1835 to 1847, although there was a succession of Viziers, one dying and another being made a King, there was no essential change in the Government of Oude. Then Lord Hardinge, who was seriously impressed with the state of things in Oude, after his conquest of the Punjab, went himself to Lucknow and warned the King, in the most impressive manner, that his system of government could not be allowed to continue; he placed before him the annexation of Nagpore, and other annexations that had taken place, and told him that the British Government would be forced by necessity—unless within a limited period an improvement was effected—to proceed to measures of a similar kind with regard to his territory. It was not till eight or nine years after this that Lord Dalhousie, who had succeeded to the Governor Generalship, had time or leisure to

consider the affairs of Oude. He had been engaged, likewise, with the affairs of the Punjab, upon which it does not seem that the hon. Member for Inverness-shire has any attack to make upon him; and everybody must admit that the conquest of the Punjab—which was originally a war of self-defence, undertaken by Lord Hardinge—so far from weakening our position in India, has been the source of our greatest strength during the recent mutinies. Lord Dalhousie, then, again considered our treaty with Oude. The hon. Gentleman opposite has quoted with perfect fairness what Lord Dalhousie said of the character of the King of Oude, but not at all with fairness to the object of his attack. He has never quoted any part of what was said by Colonel Sleeman, by Sir James Outram, by every man who has ever had any connection with Oude or been placed in an official position there, with respect to the Government of that kingdom. Lord Dalhousie placed before the British Government, at the time, everything that had been said and proved against the Government of Oude, and then he stated in the strongest terms everything that could be advanced in its favour. He thereby placed the question as fairly as possible before the Government at home. The hon. Gentleman opposite has taken a very different course; he has omitted whole pages of evidence against the King of Oude, and has given only that portion which tells in his favour. But what was the conclusion that Lord Dalhousie drew from his first consideration of the affairs of Oude? It was similar to that which Lord William Bentinck had drawn in 1835—namely, that the course for the British Government to take was to declare the treaty at an end, not to hand over the administration of the country to the officers of the Company, but to withdraw the whole of the British troops, leaving the confusion and misgovernment of Oude to produce their natural results, and reserving to ourselves the full right to interfere if our own frontiers were molested or injured by the people of that kingdom. Whether or not that was the proper course to take I will not say; but such was the course which Lord Dalhousie recommended, as appears by the following extract from his minute inserted at page 187 of the blue-book:—

"The King's consent is indispensable to the transfer of the whole or of any part of his sovereign authority to the Government of the East India Company. It would not be expedient or right to endeavour to extract this consent by means of menace or compulsion. It must be sought by leading the King to perceive that a simple regard for his own interests, and for the maintenance of his family and throne, should of itself be sufficient to induce him to give his consent to those measures which alone can save his kingdom and house from the misfortunes which will surely follow his refusal to alter the course in which he has long unhappily persisted. In pursuance of this policy, I would propose that, as soon as the sanction of the hon. Court shall be obtained to the necessary change in our relations with the Court of Lucknow, a letter should be addressed by the Governor General to the King. * * The letter should proceed to state that the Resident had accordingly been directed to declare the treaty of 1801 at an end, and to quit the territory of Oude, and to withdraw the entire subsidiary force within the British frontier."

Such was the proposal which Lord Dalhousie embodied in his minute, after an elaborate investigation of all that had taken place before and since the year 1801. All the Members of the Council in India differed from him, and thought that the administration of Oude should be taken into the hands of the Company. General Low especially states in his minute that he differed from Lord Dalhousie, and was of opinion that Oude should be annexed to our dominions. When these representations came home, Lord Dalhousie stating that it was necessary to arrive at some decision upon the question, the Board of Control and the Court of Directors agreed that the best course to take would be to declare the treaty of 1801 at an end, but—herein departing from the advice of Lord Dalhousie—to maintain the British troops in Oude and assume the administration of that kingdom. I have been speaking hitherto of the policy which Lord Dalhousie originally recommended; but when he received these instructions and was told to carry them into effect in the best manner he could, it was his duty to obey; and accordingly he proceeded, carrying the whole of his Council with him, to inform the King of Oude that he would be required to sign a new treaty, by which the administration of his kingdom should be conducted, not by his own officers, but by those of the East India Company. I think it would have been impossible for Lord Dalhousie, in the position he held, to refuse obedience to the positive directions which he received from the Home Government. I do not wish to discuss the question of whether or not the right course was pursued, but at all events it is quite clear that for upwards of fifty years the treaty which we had made with the Sovereigns of

Oude had been notoriously violated, and that we were perfectly justified in declaring it at an end. It is very easy to repeat the remark of some Sepoys, that we had not observed our treaty with the Kings of Oude; but the fact is, that during the course of half a century, we had been doing that which I think was an unfortunate consequence of Lord Wellesley's treaty, and which could not fail to tarnish the British name—namely, using a British force in support of a corrupt and vicious Court, and enforcing a system of the greatest tyranny and oppression upon the people of Oude. Surely, after a sufferance of fifty-five years, the time had come for putting an end to the treaty of 1801. Such was the course Lord Dalhousie pursued; and notwithstanding what the hon. Gentleman says against him, it appears to me that Lord Dalhousie acted throughout with the greatest deliberation. He gave his advice according to his conscientious view of the circumstances, and when at last the annexation was carried into effect, he did no otherwise than he was bound to do, being a servant of the Queen of Great Britain and the Court of Directors. I must say, however, whatever may be the justice of our Indian policy, that there has been some want of prudence and foresight in the mode of carrying it into effect. If it was determined that the time had come when we could do no otherwise than annex Oude, I think it was the duty of the Government — whether that Government is the Board of Control or the Court of Directors—seeing what was the nature of the population, seeing that the Zemindars could so easily collect a large number of armed followers, who in a short time might be converted into soldiers, to take care that there was a sufficient force not only to prevent any immediate resistance in Oude, but to trample out at once any sparks of rebellion that might arise either there or in any other part of our dominions. In that respect, it was unfortunate that at the most critical moment a proposal should have been made to carry on a Persian war. If you wanted to carry on a Persian war, fresh troops should have been sent from this country. I do not myself admire the policy of that war, but, if the Government had decided that a Persian war was necessary, they should not have weakened their forces in India, and especially they should not have weakened their force in the kingdom of Oude, at the very time when Lord Dalhousie was carrying into effect that policy of annexation which they had instructed him to pursue. I think it was unfortunate and ill-judged that they carried into effect those two modes of policy at the same time. I was very sorry to hear again from my right hon. Friend that unfortunate word *prestige*. We were told upon a former occasion, and again to-night, that the appearance of our troops in the Persian Gulf would maintain our *prestige* in the East; but I am really afraid that this dreadful mutiny which has broken out in India will do more to weaken that *prestige* than any successes we may have gained in Persia have strengthened it. I cannot but recollect in the history of Europe an instance of a great man—a very great man—who gave up everything for *prestige*. When Napoleon went into Poland he was at the head of 600,000 men. He advanced to Smolensk. There every one of his marshals and generals were of opinion he should have stopped and made his winter quarters; but he said, "If I do that, what will become of my *prestige*? If I remain here all the winter, my *prestige* in Paris will be gone?" What followed was the unfortunate campaign of Moscow. The next year, by a wonderful exercise of power and of the extraordinary genius that he possessed, he got together a new army and stood the victor in two fields of battle, confronting the whole armed power of Europe. Terms of peace were offered to him then—terms which would have left him almost the master of Europe. He saw that the terms were excellent and that they left him master of France, Italy, and Holland; but again he said, "If I surrender anything, if I give up the title of Protector of the Confederacy of the Rhine, I shall lose my *prestige*;" and the consequence of that second sacrifice to the vain notion of *prestige* was, that he lost the rest of his empire; and from being the ruler of France, became an exile in St. Helena. Such are the consequences of not caring for substantial reputation, substantial honour, and pursuing in preference the vain phantom *prestige*. We have seen what it has done in India, and what it is still doing in China. I do hope that, instead of following that vain delusion, in future we shall follow the old English policy of doing that which is right, that which is due to our own character, and let reputation follow, as it is sure to do, upon acts.

Lord JOHN MANNERS said, that every hon. Member of that House, what-

ever his political opinions might be, could not but rejoice that the noble Lord had once more come forward to read a well-deserved lecture to the occupants of the Ministerial benches. All, too, must admire the generous warmth with which the noble Lord had endeavoured to defend an absent and, as he considered, a calumniated man. But the noble Lord must remember that, if the Marquess of Dalhousie was now an exile from his country on account of ill-health, the Queen Mother of Oude lay dead in Paris—dead of a broken heart; that thousands and tens of thousands of lives, English as well as Indian, had been sacrificed, mainly owing to the insane and unjust policy of annexation. Countless millions of treasure had been lost and squandered, and would hereafter be lost and squandered, in desperate efforts to retrieve the fortunes of an empire which had been imperilled by that policy. Therefore, while he (Lord John Manners) agreed with the noble Lord that the language of hon. Members should be very guarded, and their condemnation restricted within the very narrowest limits as to the acts of the Marquess of Dalhousie, still he did not think that their voice should be quite mute if they thought that in the language, conduct, or policy of the noble Marquess there had been anything which was justly liable to censure and animadversion. The right hon. Gentleman the President of the Board of Control had commenced his reply to the observations of the hon. Member, who introduced the subject, by regretting that that hon. Member had not yielded to the wish of the Government, and made his speech in the course of the adjourned debate upon the Indian Government Bill. That observation was ill-founded, for had the advice been followed, it would have been objected at once that the hon. Member was introducing a subject that was not connected with the question before the House; the, in many respects, admirable speech of the noble Lord the Member for the city of London would, but for that discussion, have remained unspoken; and the House would have had to remain content with the meagre and unsatisfactory reply of the President of the Board of Control. The latter right hon. Gentleman had also said that although Oude had been annexed for two years no one had ever thought of finding fault with that proceeding until the occurrence of the Indian mutiny. He (Lord John Manners) denied the accuracy of that statement, and would appeal to the records of both Houses of Parliament to justify his contradiction. So far from it being the fact that no notice had been taken of the annexation of Oude until the Indian mutiny was known, there actually were at the moment, when the news of that outbreak reached this country, notices standing on the books of each House of Motions impugning the justice of that annexation. Amongst others, his hon. and learned Friend the Member for Suffolk (Sir F. Kelly), had a Motion on the subject, but in the exercise of his discretion he had postponed his Motion during the continuance of the terrific contest in which we were engaged. He now came to the question which still remained to be discussed, "Was the annexation of Oude a just or unjust proceeding? Was it defensible or indefensible by treaty?" The noble Lord who had just sat down had spoken in a most guarded manner upon that important point. He had read an extract from a minute of the Marquess of Dalhousie, in which that noble Lord expressed a clear and decided opinion that under the treaty of 1801 we had no right to annex the territory of Oude; that the only penalty, which the King of Oude could incur by any infraction of the terms of that treaty, was the withdrawal of the British troops from his dominions and the loss of our protection for his crown. He (Lord John Manners) did not know whether that was the interpretation which the noble Lord (Lord J. Russell) placed upon the treaty, but certainly it was not that of the President of the Board of Control, because, although that right hon. Gentleman did not give the shadow of an argument to support it, he said it was the sole justification for the annexation of Oude. The noble Lord the Member for the city of London had fallen into an error in respect to the treaty of 1801, for he gave the House to understand that Lord Wellesley had seized one half of the then dominions of the Nawab of Oude, and having done that, he then took the opportunity of entering into a treaty to regulate the future relations between the Indian Government and the rulers of Oude.

LORD JOHN RUSSELL: I meant that it was one transaction, but there were two measures involved in it.

LORD JOHN MANNERS said, it was clear the main provision of the treaty was the handing over to the Indian Government of a rich and fertile province yielding

fifty-nine lacs of rupees in excess of the subsidy which, by the previous treaty, the Nawab had contracted to pay, and the only return we made for that vast acquisition was a guarantee of the integrity of the Prince's dominions and an engagement to defend him from all foreign foes. There was a counterbalancing obligation on the part of the Nawab that he would always listen to and adopt the advice tendered to him by the Indian Government. The noble Lord had said that ever since that treaty was entered into each ruler in Oude had avowedly and repeatedly violated that engagement to listen to and act upon the advice of the Indian Government. But he said that even if it were true, as was alleged, that the Nawabs and Kings of Oude from time to time had not fulfilled this condition—that they had declined to follow the advice tendered to them by the English Resident, and that they had, as the noble Lord said, systematically disregarded this provision of the treaty—if all this were true, still it was evident to any one who read the treaty, either with a legal or equitable mind, that the sole punishment that could be visited on them was the withdrawal of our troops, and the leaving them to defend themselves as best they could. But was it true in any sense that could be taken cognizance of, that the present King of Oude refused to take the advice that might be tendered him by the representative of the English Government? The right hon. Gentleman the President of the Board of Control had made some reference to a flashy book called, *The Life of an Eastern King;* but that related to events which had, or had not, occurred some fifteen or twenty years ago. Then the noble Lord stated, that for upwards of fifty years the rulers of Oude had disregarded that advice; but upon what principle of morality or justice could the present ruler of Oude be deprived of his crown, because of some alleged misconduct on the part of some of his predecessors? In order to deprive the present King of his crown, and annex his territories, it was not sufficient to show that the advice tendered by Lord Wellesley or Lord William Bentinck, many years ago, had been rejected, but it was necessary that clear, decided misconduct on the part of the reigning Sovereign should be proved. Clearing the ground, then, of all those allegations which had been made as to the past, the question to be discussed, even admitting that it was justifiable under the treaty to exact the penalty which had been imposed, was, what had been the misconduct of the present King which had rendered him amenable to the consequences of such a construction of the treaty as was attempted to be given to it? It had been broadly stated in the present debate that even the present King of Oude never did a single thing that he was advised to do, but he was prepared to state that that was a total mis-statement of facts. The present King came to the throne in 1847, and had only been reigning a few months when he was visited by Viscount Hardinge, the Governor General. Hardly had Viscount Hardinge quitted his dominions when the new King took the most emphatic and decided course to show his anxiety to profit by the advice he had received, and did all that the Governor General could wish to have done with reference to their future management. In 1848, in a few months after Viscount Hardinge's visit, the King caused to be prepared and sanctioned an elaborate scheme of Government for some of the districts of his kingdom, based on the system then enforced in the North-West Provinces of India. The scheme was prepared by the Resident, Colonel Richmond, and the Assistant-Resident, Captain Bird, and was submitted to Mr. Thomason, the Lieutenant-Governor of the North-West Provinces; and, after being carefully discussed by them, was submitted to the Governor General at Calcutta. Now, let the House test by the fact he was going to relate the sincerity of all those hypocritical professions about the mismanagement, oppression, and ill-treatment of the people of Oude. The scheme so prepared was rejected, for the King was told that if he would apply it to the whole of his dominions, the East India Government would take the matter into consideration, but it was not worth while to take so much trouble about a portion; though the reason why the King desired so to limit its application was, because it was in the nature of an experiment. The Government, which in 1856 expressed so much commiseration for the oppressed people of Oude, had deemed it beneath its notice to take into consideration a plan prepared and matured by its ablest officers, because it applied only to a portion of them. [Mr. MANGLES: What is your authority?] It was so stated in a despatch signed by Sir H. Elliott. That being the case, a few months after the King came to the throne, he hoped the

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House would not again be told, that ever since the King's accession he had shown an obstinate determination to resist the advice tendered him for the government of his people. But was the King deterred by this repulse from listening favourably to any advice which might afterwards be given him? Quite the reverse. The right hon. Gentleman, holding up the Blue-book, said he would not weary the House by reading the painful details of the oppression, misrule, robbery, and wrong with which it abounded; and he (Lord J. Manners) would also avoid wearying the House by reading, as he might, passage after passage, which proved that the King of Oude did really and truly, in almost every instance, listen to and act on the advice given him from time to time by the English Resident. It was easy to say, in general language, that he was advised by the Resident to govern his country justly and well, but he did not do so; but surely they ought to come to particulars, and show in what respect he refused so to act. He (Lord J. Manners) had already alluded to the experiment the King was willing to make of the introduction of the English system of Government into a portion of his dominions, and he would now give another instance of the King's readiness to act on the advice of the Resident. There was a system of finance, which the Residents from time to time had desired that the rulers of Oude should adopt, called the *amanee* system Well, it was adopted and acted on, but Commissioner after Commissioner stated that it had signally failed, and aggravated the sufferings of the people. In the blue-book there was a long and excellent report from Major General Outram, dated March 15th, 1855, and under the head of revenue and finance a quotation was given from Captain Orr, who drew a curious distinction between the *amanee* system and that which had previously prevailed, and then went on to state that, bad as the latter had been, the former had been still more unfavourable both to the Government and the people. In another part of his report he drew attention to the facts that—

"In former years Amils were imprisoned; that some, as for instance Mirza Abdoola Beg, died in confinement, and that some suffered the dreadful punishment of Balla-roopie, as Eucha Sing, Nazim of Gonda."

He added—

"Mahal (palace) influence is now all-powerful, and corruption at head-quarters is sadly on the increase."

Now, so far from not acting upon the representation of the English Government in reference to the Amanee system, it was satisfactorily established that the King of Oude had done everything in his power to meet their wishes in that respect by immediate compliance. But then it was argued that another ground for the annexation of Oude was to be found in the necessity for securing our own frontier from the results of the dreadful state of disorganization which prevailed in that kingdom. It however appeared to him (Lord J. Manners) that one of the most remarkable pages in the blue-book was that in which a high tribute of admiration was paid to the efficieney of the Oude frontier police. The King of that country had greatly enlarged the number of that force, in consequence of the representations which we had made to him. It was true that the King had not introduced that force, but he had increased it at the expense of a considerable charge upon his revenue; and the result had been increased safety, not only in his own dominions, but also in the English territory abutting upon them. One gentleman had borne the strongest testimony to that fact, stating that the moment a criminal escaped from English control, and came within the jurisdiction of the King of Oude, he was at once handed over to the English magistrates by the frontier police, under the direction of that monarch; while another gentleman related an instance in which Colonel Sleeman, while Resident at Lucknow, had occasion to bring a charge against a notorious offender, for whose apprehension a reward was at once offered by the King of Oude, but who eventually escaped to the English territory, where, for aught he (Lord J. Manners) knew, he still remained. It would appear, therefore, from those facts, that that reciprocity of service which ought to exist between the police upon both sides of the frontier did not in reality prevail. There was also another case, which was, he thought, well worthy of the notice of the House, in which the King of Oude had consented to banish a man whom he believed to have been faithful to him, and to have done him good service, in compliance with the somewhat imperious dictation of Colonel Sleeman. Indeed, he might go on for hours, citing instance after instance, to show that the charge brought against the King of Oude, of not acting in accordance with the advice of the English Resident, was inconsistent with the fact. He should,

however, not dwell further upon that point, but should proceed to the consideration of a matter which had never yet been made the subject of inquiry or discussion in that House, but which he could not dwell upon without a feeling of shame and dismay. They had not heard, either from the right hon. Gentleman the President of the Board of Control or from the noble Lord the Member for London, the slightest reference to the treaty of 1837. Now, he thought it impossible that the debate could be allowed to close without their receiving some full and clear explanation upon that portion of the question. He regretted that his hon. Friend had not thought proper to move for papers bearing upon that part of those proceedings, and he would suggest that his hon. Friend should supply that omission. As far as they could judge from the documents at present before them, and from the statements of living men conversant with the case, they had every reason to believe that, in point of fact, and in law and equity, a treaty had been signed in the year 1837, which was binding on the Government of England in the year 1856. He felt that it was impossible to make any statement in reference to the question of that violated or suppressed treaty, without saying something that must appear to derogate from the high character which he would willingly concede to the Marquess of Dalhousie. But it was not the reputation of a living statesman only which was at stake. He thought he should be able to show that the reputations of those who had departed from the scene of their labours, and whose memory ought to be equally dear to the noble Lord who had just spoken, were also upon their trial. If the statements which were attributed to the Marquess of Dalhousie in the blue-book were correct, it would, he thought, be impossible to exculpate the memory of Lord Auckland. It would be for those who had official knowledge of the facts to show, whether the statements of the Marquess of Dalhousie or the conduct of Lord Auckland deserved reprobation or censure. The treaty of 1837 was to be found in the official collection of papers submitted to the House in 1845; it bore date the 11th of February, 1837, and was sealed with the Persian seal of the Governor General, and signed by A. Ross, W. Morrison, and Mr. Sheakspear; it was ratified by the Governor General on the 18th of September. So long as its 7th and 8th articles remained in force, they prohibited the possibility

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of the annexation of any part or the whole of the territories of the King of Oude. The 7th article provided that, if the King of Oude should neglect to attend to the advice of the British Government, and if systematic misrule should prevail within the Oude dominions,—

"The British Government would reserve to themselves the right of appointing their own officers to the management of any portion of the Oude territory, either to a small or a great extent, in which such misrule might have occurred, for as long a period as they might deem necessary; the surplus receipts in such case, after defraying all charges, to be paid into the King's treasury, and a true and faithful account to be rendered to his Majesty of all sums received."

And the 8th article of the treaty provided that,—

"If the Governor General should assume the authority vested in him by the preceding article, he should maintain the Native institutions and forms of administration within the assumed territory, so as to facilitate the restoration of that territory to the Sovereign of Oude, when the proper time for such restoration should have arrived."

It was perfectly clear to everybody that, if that treaty was binding upon us, the annexation of Oude was a flagrant, a palpable, and an utterly indefensible act of lawless aggression. It was alleged, however, by the Marquess of Dalhousie, that the Government at home entirely disavowed that treaty from the moment they became aware of its existence; and that was the only vindication which it was possible to offer of the course taken by the Marquess of Dalhousie in that matter. Now, the House should observe that the treaty had been received by all the officers of the Indian Government; it had been quoted by Colonel Sleeman, the confidential agent appointed to collect for the authorities at Calcutta the evidence of mismanagement against the King of Oude, for the purpose of showing that, under its provisions, the British Government ought to take certain steps. He (Lord J. Manners) could show, also, that Lord Auckland, a year afterwards, was totally ignorant of the disallowance of that treaty. The Marquess of Dalhousie had declared more than once, in the most distinct manner, that as soon as the treaty was brought to the knowledge of the Government at home it was disallowed. Now, in a letter written by Lord Auckland to the King of Oude, dated Simla, July 8, 1839, there was this passage:—

"May the Omnipotent of everlasting dignity continue to preserve ever fresh and verdant, by the showers of His grace and mercy, the garden

of the wealth and prosperity of your Majesty, the ornament of the throne of grandeur and exaltation. Let it not remain beneath the veil of secrecy and concealment, or be hidden from the light-reflecting mirror of your mind, that lately much discussion has been carried on between the Court of Directors of exalted dignity and myself, by means of a written correspondence, touching the recent treaty of the 11th September, 1837. Now, taking into consideration that the expense entailed by the auxiliary force—namely, sixteen lacs (£160,000 sterling) per annum—might be the cause of interrupting the administration and amelioration of your kingdom, the said expense became the subject of their grave deliberations. From the period you ascended the throne, your Majesty has, in comparison with times past, greatly improved the kingdom; and I have, in consequence, been authorized by the Court of Directors to inform you that, 'if I think it advisable for the present, I may' relieve your Majesty from part of the clause of the treaty alluded to, by which clause expense is laid upon your Majesty."

"Hoping that your Majesty may continue to rule your country, as you have hitherto done, with justice, equity, and anxiety for the welfare of your subjects,

"I am, &c.,
"AUCKLAND."

If the Marquess of Dalhousie's statement, that the Home Government disavowed the treaty as soon as they heard of it were correct, the declaration made by Lord Auckland in July, 1839, and just quoted by him, was either a deliberate fiction or a gross and scandalous concealment of the facts from the King. It was impossible to reconcile the opposite statements made by the two Governors General, and it was necessary, not only for the vindication of the Marquess of Dalhousie, but to relieve the memory of Lord Auckland from the dishonouring suppositions which at present attached to it, that these extraordinary discrepancies should, if possible, be explained. There was good internal evidence for believing that Viscount Hardinge, when he visited the King, in 1847, was ignorant of the alleged disallowance of this treaty, because he informed His Majesty that if he did not govern his country better he would incur the penalty of which he was already aware. What was that penalty? Why, the only penalty of which he was aware was that under the treaty of 1837. Some portion of his dominions might be taken for a time under British control, to be afterwards handed back to the King without diminution when it had been restored by British management to a healthy condition. Did it appear from this that Lord Hardinge was aware of the far higher penalty which was likely to fall on the King? But what did the Earl of Ellenborough, a man who was second to none in vigour of mind and clearness of conception, and who had immediately preceded Viscount Hardinge in the Government of India, say on the subject of this suppressed and violated treaty? On the 10th of April, 1856, that Minister whose recent accession to Her Majesty's Government was to constitute so great an acquisition to it on Indian debates—the Marquess of Clanricarde—asked a question about the treaty of 1837. He was answered by the Duke of Argyll, who said, in almost the words of the Marquess of Dalhousie, that the treaty had been disallowed as soon as it came to the knowledge of the Home authorities. Thereupon what said the Earl of Ellenborough, who, as Governor General, must have known all the obligations which were binding on the Government of the King of Oude? He observed:—

"The Directors did not disallow the whole of the treaty of 1837, but only that portion of it which related to the payment by the King of Oude of £160,000 for a military establishment of British officers."

But was the Earl of Ellenborough the only man alive who could speak from official knowledge of this nefarious transaction? They had heard that evening of Lord Broughton, who had declared himself to be wholly responsible for the Affghan war; he was at the head of the Board of Control when the treaty between Lord Auckland and the King of Oude was signed; and happening to be in the House of Lords on that evening, he confirmed the Earl of Ellenborough's statement:—

"He had had a long correspondence with Lord Auckland on the subject, both public and private, and it was his impression certainly that the treaty of 1837 was ratified by the Government at home after the disallowance referred to. The whole of the treaty was not disallowed, but only one portion of it."

Here, then, they saw Lord Auckland, two years after the treaty was signed, telling the King of Oude that he was authorized by the Home Government to remit a portion of it which pressed heavily on His Majesty, while the Marquess of Dalhousie distinctly averred that the treaty was annulled by the Home Government. On the other hand, the Earl of Ellenborough and Lord Broughton declared that the treaty was never disallowed, and Viscount Hardinge evidently acted under the same impression. The noble Lord opposite (Lord J. Russell) had told the House to deal lightly with the Marquess of Dalhousie. He (Lord J. Manners) had en-

deavoured to do so; but he thought it impossible for any man more severely to condemn the Marquess of Dalhousie's policy, or to say harsher or more bitter things of it than the Marquess of Dalhousie had been forced to say himself when the blow was about to fall. This suppressed treaty stared him in the face, and in his final instructions to Colonel Outram, when that officer went to Lucknow on his mission of injustice, spoliation, and perfidy, he advised him how to meet the inevitable answer which he saw would be made to him.

"It is very probable that the King, in the course of the discussions which will take place with the Resident, may refer to the treaty negotiated with his predecessor in the year 1837. The Resident is aware,"—[he (Lord J. Manners) had shown that Colonel Sleeman was not aware]—"that that treaty was not continued in force, having been annulled by the Court of Directors so soon as it was received in England. The Resident is further aware that, although the King of Oude was informed at that time that certain provisions of the treaty of 1837, respecting an increased military force, would not be carried into effect, the entire abrogation of the treaty by the Court of Directors was never communicated to His Majesty."

Good Heavens! were they reading the solemn instructions of the Governor General of an empire to an important subordinate, regulating his conduct with regard to an independent ally, or the records of some miserable Old Bailey chicanery, by which the lives and property of men might be swindled and juggled away! Now came the punishment. The Minute continued:—

"The effect of this reserve and want of full communication is felt to be embarrassing to-day. It is the more embarrassing that the cancelled instrument was still included in a volume of treaties which was published in 1845 by the authority of Government. There is no better way of encountering this difficulty than by meeting it full in the face."

He (Lord J. Manners) blushed for the character of his country when he read the following instructions:—

"If the King should allude to the treaty of 1837, and should ask why, if further measures are necessary in relation to the administration of Oude, the large powers which are given to the British Government by the said treaty should not now be put in force, His Majesty must be informed that the treaty has had no existence since it was communicated to the Court of Directors, by whom it was wholly annulled. His Majesty will be reminded that the Court of Lucknow was informed at the time that certain articles of the treaty of 1837, by which the payment of an additional military force was imposed upon the King, were to be set aside."

He (Lord J. Manners) had shown that the treaty was signed in September, 1837, and that the King was not informed until July, 1839, by the letter of Lord Auckland, that he was to be relieved from this pecuniary obligation. The minute continued:—

"It must be presumed that it was not thought necessary at that time to make any communication to His Majesty regarding those articles of the treaty which were not of immediate operation; and that a subsequent communication was inadvertently neglected. The Resident will be at liberty to state that the Governor General in Council regrets that any such neglect should have taken place, even inadvertently."

This code of instructions bore the signatures of Dalhousie, J. Dorin, J. Low, J. P. Grant, and B. Peacock; and he (Lord J. Manners) was thankful that the signature of his honoured, lamented, and revered connection, George Anson, was not appended to it. The noble Lord, in eloquent terms, had warned the House against suffering themselves to be allured into a vain attempt to gain military prestige in India or elsewhere. He would remind the noble Lord that our prestige in India, as well as elsewhere, was of two kinds. There was a prestige which attached to our military renown and to our military exploits, and there was also a prestige which attached, or which used to attach, to our character for justice and good faith. Those immortal heroes who had shed their blood upon the plains of India had amply and gloriously redeemed the first, and it was now for the House of Commons to attempt, as far they could, to restore and vindicate the latter. He called upon the noble Lord—whose love of justice, whose hatred of oppression, and whose contempt for the vain glare and glitter of military prestige were well known—to second, instead of thwarting the endeavours of his hon. Friend to drag these disgraceful events into the light of day, and, if it were not too late, to redeem the disgraceful past. He (Lord J. Manners) hoped the Government would not object to the Amendment he intended to propose, for the production—in addition to the correspondence moved for by his hon. Friend—of the correspondence mentioned by Lord Auckland and Lord Broughton, in order that before entering upon a debate on the great question of the annexation of Oude, in which he conceived that the character of this country for justice, good faith and honesty, and perhaps the very maintenance of our Indian empire was involved, all hon. Members might be fully acquainted with the facts of the case upon which they would be called upon

to decide. He would not now express any opinion as to the policy which ought to be pursued with regard to Oude for the future, but he was convinced that their only safety lay in the course of justice, and that if they wished to replace their imperilled Indian empire upon a firm basis that object could only be effected by showing the Native Princes and the peoples of India that there was on the part of the British Parliament no disinclination to do justice and to remedy wrongs, and that even in this hour of difficulty and danger they were ready to restore the kingdom of Oude to its insulted and deceived Monarch. [*Laughter*]. Hon. Gentlemen might laugh but that was his deliberate opinion. He knew that the easy morality of the present day did not much look at the way in which acquisitions were made—*non olet*. But such he knew was not the opinion of the noble Lord the Member for London, nor was it the opinion of the majority of thinking men. The House had heard last night the opinion expressed by Burke, in his vindication of Lord Clive, which he would now repeat :—

"On this solid plan he fixed every prince that was concerned in the preceding wars, on the one side and on the other, in a happy and easy settlement. He restored Ul Dowlah, who had been driven from his dominions by the military arm of Great Britain, to the rank of Vizier, and to the dominion of the territories of Oude. With a generosity that astonished all Asia, he reinstated this expelled enemy of his nation peaceably on his throne, and this act of politic generosity did more towards the quieting the minds of the people of Asia than all the terror, great as it was, of the English arms."

That was the opinion of Burke on Lord Clive. He (Lord J. Manners) trusted that in these days no public men would be found to maintain the proposition that because we had endeavoured to annex a kingdom by fraud and chicanery, and had failed, we were bound, at the cost of the blood and treasure of the people of England, to conquer the territory by force of arms. For himself, he repudiated all share in the responsibility of the grievous injustice and wrong-doing of the policy which had been pursued in India. He begged to move, as an amendment, for the production of the correspondence which took place in 1837 and 1838 between the President of the Board of Control, the Secret Department, and the Governor General of India.

MR. VERNON SMITH said, that a Motion for the copies of correspondence between the Secret Committee and the Governor General had been assented to, and that correspondence would be in the possession of the House at an early period. If the correspondence required by the noble Lord was not included in that return it should be presented to the House. At the same time, if the correspondence for which the noble Lord asked was of a private nature, he could not, of course, produce it.

LORD JOHN MANNERS was understood to say, that after the statement of the right hon. Gentleman he would not press his Amendment.

MR. MANGLES said, he should not endeavour to imitate the impassioned eloquence with which the noble Lord had just addressed the House, but he would not, as a member of the Court of Directors, attempt to evade taking his full share of the responsibility of a measure which the noble Lord so strongly condemned—the annexation of Oude—nor would he shrink from defending it. He believed that that measure was a just and necessary measure. He thought the noble Lord (Lord John Manners) and the hon. Gentleman who made this Motion spoke as if no feelings and no interest were to be consulted but those of the Sovereign rulers of that State. The people were not to be regarded; and the noble Lord and the hon. Gentleman spoke as if our sympathies were to be engrossed by the woes of the reigning family which had been deposed, while the sufferings of years of an oppressed people were not to be considered. That was not his opinion. He believed that the Government of Oude, from the time that it had been in the hands of the reigning family, to have been the worst in the world. The hon. Member for Invernessshire (Mr. Baillie) was mistaken with regard to the great antiquity which he ascribed to that family. The hon. Gentleman spoke as if those Subhadars of Oude had been descended from Timour the Tartar, and that the first Nawab of Oude had been placed in that position on account of that relationship, whereas the fact was, that the title of the late reigning family dated no further back than 1739. He had said that the Government of the late reigning family of Oude was the worst in the world, and he would state why he thought so. It became worse after the British Government more formally assumed the protectorate of the kingdom in 1801, under the Treaty of Lord Wellesley. He believed it then became the worst in the world,

for it was an Asiatic Government fixed upon the necks of a helpless people by the iron hand of European civilization and power. That was the condition of the people of Oude from 1801 until the Marquess of Dalhousie wisely assumed the Government. The system of Government before that was atrocious, and with the aid of the presence of an overwhelming British force the people were ground down to the very dust. For this state of things the British Government was responsible. That was no novel opinion. Mr. Mill, the historian, in reviewing the conduct of Lord Wellesley, used these remarkable words :—

"The truth ought never to be forgotten which the Governor General here so eagerly brings forward, that the misery produced by the Native Government which the Company upholds is misery produced by the Company, and sheds disgrace upon the British Government."

All the English officers who had been successively Residents at Lucknow held the same opinion with respect to the oppression of the people, and that it was clear that the British Government had undertaken by treaty the duty of protecting the people. There was a clause in the Treaty of 1801 which had been quoted, on which the Marquess of Dalhousie thought it his duty to annex the kingdom of Oude ; but both the hon. Gentleman (Mr. Baillie) and the noble Lord (Lord John Manners) had omitted the strongest expression in the clause. They had confined themselves to that part of the clause which gave the Resident the right to advise the Sovereign, but they had omitted to state that part of it which gave power to the British Government to protect the people, and he would read it :—

"His Excellency (the Nawab) engages to establish in the reserved dominions such a system of administration as shall be conducive to the prosperity of the inhabitants, and shall be calculated to secure their lives and property."

From the first moment that the Treaty was signed that clause had not been carried into effect, in spite of the repeated remonstrances and threatenings of the British Government that if the misgovernment were persisted in, and if the advice of the Resident were not listened to, they should be obliged to interfere, and in spite of the earnest endeavours made to protect the people, in no one instance was that claim attended to. This was seen and known at a very early period, and Lord Wellesley himself knew it. The hon. Gentleman spoke of Lord Wellesley, in conjunction with his illustrious brother, and of Sir Thomas Munro, as opponents of annexation. But Lord Wellesley did all in his power to annex Oude, and Sir Thomas Munro, though he opposed the annexation, saw the grievous evils which had been introduced into Oude and other provinces of India, by the same system as had been pursued in Oude, and he thus spoke of it in relation to Mysore :—

"There are, perhaps, none of them (the people) who would not prefer a strong Government such as that of the Company to one like that of the Rajah, which must necessarily be composed of different instruments which must be weak and perplexed, and which, like the double Government of Oude and Tanjore, must lead to the destruction of the country."

Warning after warning had been given to the King of Oude. In the year 1831 he was addressed in the most unmistakeable language, and assured that if his Government was not amended the British Government would be obliged to step in and take the matter entirely into their own hands. This was communicated to the King in person by Lord William Bentinck, than whom a more just and equitable man never lived—a statesman proverbially inclined to peace, and one who never manifested the smallest disposition to add unjustly to the British dominions. In 1847 another warning was given by Viscount Hardinge—a still stronger and more pointed warning—and the King was then told that in the event of reformation not taking place within two years, the British Government would be compelled to interfere. It had been stated by the noble Lord that from that period until his dethronement no mismanagement had been proved against the King—that no proof had been given that the King had failed to attend to the remonstrances of the British Government, or that he had failed to amend the administration of the country. Now, he might answer that assertion of the noble Lord by citing numerous passages from such men as Colonel Richmond, General Low, Sir W. Sleeman, and Sir J. Outram, with respect to the hopeless condition of Oude, after all the warnings which had been addressed to the King. But he would just refer to the remarks of Colonel Richmond, who, in one of his reports, said—

"On the 12th of October, 1847, an official note was sent by me to His Majesty, to the effect that it had been brought to my notice that Rajah Rugbee Sing, Tehsildar of Bharaitch had forcibly sold the cattle and cultivating implements of the ryots, and had, besides, seized their women and children, and sold 500 of them by auction, and requesting that stringent measures

might be adopted, and a reply sent. No answer has been received. On the 24th of August an official note was forwarded by me to his Majesty, in the case of Ameer Singh, havildar, 49th Regiment Native Infantry, complaining against the servants of Rajah Mahn Sing, Tehsildar of Pertaubghur, who had sold into slavery the petitioner's seven children and grand children. No answer has been received."

Speaking of the warning given by Viscount Hardinge, Colonel Sleeman said :—

"His Majesty has utterly disregarded the advice then given by the Governor General; he has done nothing to improve the administration; abstained from no personal indulgence; given no attention whatever to public affairs. He had before that time tried to imitate his father, attend a little to public affairs, and see occasionally the members of the royal family and aristocracy of the city, and heads of departments; but the effort was painful, and soon ceased. He had from boyhood mixed in no other society than that in which he now mixes, and will never submit to the restraints of any other."

Now he would beg the House to understand that Colonel Sleeman was no advocate of annexation, he was remarkably attached to the Native chiefs, and was quite free from any prejudice against the reigning family of Oude; but the treatment of the people had forced on him the conviction that the assumption of the Government by England was absolutely necessary, and that nothing else would relieve the people from the grievances under which they were labouring. He (Mr. Mangles) believed that Colonel Sleeman's journal of his tour in Oude was now in the press, and when that should be given to the world he was sure that it would confirm what he had stated with respect to the utter indifference with which the King treated the numerous warnings which had been addressed to him. General Low, a member of the Supreme Court at the time of the annexation, said, it was his deliberate opinion that the disorders of Oude were of such long standing, and the corruption of the Government officers were so great, that there was no mode of obtaining a just Government, but that of taking possession of the whole of the territory, and placing it under the direct management of the Company. General Outram confirmed all these opinions. The noble Lord said that no charge had been made against the present King of Oude. [Lord JOHN MANNERS: That no charge had been substantiated.] The only way of substantiating a charge, he presumed, was by evidence, and what stronger evidence could they have than the deliberate statements of such men as those to whom he had referred—men of the highest reputation? He had already quoted Colonel Richmond, General Low, and Sir W. Sleeman. What said Sir James Outram? Surely the noble Lord would not question his testimony. General Outram said :—

"In all other respects—as regards its internal state—the condition of Oude is, as I have shown, most deplorable. And it has been my painful duty to demonstrate that the lamentable condition of this kindom has been caused by the very culpable apathy and gross misrule of the Sovereign and his Durbar. I have shown that the affairs of Oude still continue in the same state—if not worse—in which Colonel Sleeman, from time to time, described them to be; and that the improvement which Lord Hardinge peremptorily demanded, seven years ago, at the hands of the King, in pursuance of the treaty of 1801, has not in any degree been effected. And I have no hesitation in declaring my opinion, therefore, that the duty imposed on the British Government by that treaty cannot any longer admit of our 'honestly indulging the reluctance with which the Government of India has felt, heretofore, to have recourse to those extreme measures which, alone, can be of any real efficacy in remedying the evils from which the state of Oude has suffered so long.' In pronouncing an opinion so injurious to the reigning family of Oude, I have performed what is indeed, to myself personally, a very painful duty; for I have ever advocated the maintenance of the few remaining Native states in India, so long as they retain any principle of vitality, and we can uphold them consistently with our duty, as the paramount power in India, and in accordance with our treaty pledges. It is, therefore, peculiarly distressing to me to find that, in continuing to uphold the sovereign power of this effete and incapable dynasty, we do so at the cost of 5,000,000 of people, on whose behalf we are bound to secure —what the Oude government is solemnly pledged to [maintain—'such a system of government as shall be conducive to their prosperity, and calculated to secure to them their lives and property."

Colonel Sleeman, in the diary of his journey through Oude, described life and property as insecure, and stated that wherever the talookdars or landholder quarrelled amongst each other they took to indiscriminate plunder, and that murder and robbery became their diversion and sport; that they thought nothing of taking the lives of women and children who had not offended them; that hardly a day passed in which he did not hear of atrocities having been committed in the districts through which he was passing. This state of things was permitted by that Government even within sixteen miles of the city of Lucknow. No less than twenty-nine individuals were murdered on one estate by these rapacious landowners, who had made themselves strongholds surrounded by jungle, allowed to grow for the purpose, in every part of Oude. Many years

ago when he (Mr. Mangles) was in India he travelled through Oude for nine days, and heard cannonading going on on both sides of the road which he was travelling. Such being the normal state of Oude, he could not conceive how any unprejudiced man could read the blue-book without coming to the conclusion that the Indian Government were imperatively called upon to interfere and take the country into their own hands. The hon. Gentleman the Member for Inverness-shire (Mr. Baillie) and the noble Lord (Lord John Manners) had said that the East India Company themselves had by their misgovernment allowed portions of their territories to become as disorganized as the kingdom of Oude. He admitted that several portions of their territory had been imperfectly governed, but that was not owing, as in Oude, to the apathy, if not the connivance, of the Government, but had arisen from unavoidable causes. When we acquired possession of India, we did not understand how Asiatics required to be governed, and introduced the English system of administration, law, and police. That system had signally failed, and it was a remarkable fact that the administration of justice was worst in the oldest provinces, and best in the newly appointed ones. And why? Because we have gained experience of the Indian character. Now, with respect to the treaty of 1837. Did the noble Lord believe that it had not been abrogated by the Government? If he did not, he must believe that the Marquess of Dalhousie had deliberately misquoted or forged despatches to serve the purposes of the Company. But with respect to any such insinuation he would merely observe that the 6th paragraph in the Marquess of Dalhousie's Minute was utterly inconsistent with the existence of that treaty. If the hon. Gentleman would amend his Motion by including therein the despatch dated the 15th of April, 1839, he would be able to see whether or not the Marquess of Dalhousie had been guilty of the great crime of misquoting and forging passages to serve the purposes of the East India Company. It was certainly true that Lord Auckland communicated to the King of Oude only a part of the despatch of the Court of Directors as to the abrogation of the treaty of 1837; but at that time there was not the smallest intention of annexing the kingdom of Oude. He emphatically said there was not; and if the noble Lord (Lord J. Manners) would call for the whole of the correspondence between the Government at home and the Government of India with regard to the annexation of Oude, from the time of the treaty of 1801, he would find a most honest and unaffected reluctance on the part of the East India Company to do that which they were eventually obliged to do. The object of the Government throughout, and the exertions of the honest and able men who had been Residents at Lucknow was to avoid annexation, and induce the King of Oude so to conduct his administration that annexation should not be necessary. As, then, there was no intention at that time to annex, what object could they have in concealing from the King of Oude the annulment of that part of the treaty which related simply to the manner in which his kingdom was to be managed in the event of its being annexed to the Company's territories? The treaty of 1837 was abrogated directly it arrived in England, and had never been regarded as binding in the least degree upon the Government. Then with regard to the causes of the mutiny. The hon. Gentleman who brought forward this Motion thought that the main cause was the annexation of Oude. So far from its having been the main cause, he (Mr. Mangles) believed that it had no appreciable effect in producing that result. That the mutineers had made Oude their rallying place seemed to give a colour to this theory, but in reality that circumstance was owing to accidental circumstances; it arose from the fact, probably, that the inhabitants of Oude were a warlike people, and that the Sepoys had been mainly recruited from that country. That was the opinion of far higher authorities than he was; and Sir John Lawrence, in a letter, dated last September, to him, stated—

"As regards the cause of this wide-spread and almost general mutiny, I hear many people talk of conspiracy and the like; but I have as yet seen nothing to lead me to believe that it has not all sprung from the Native soldiers themselves. Doubtless fanatics and intriguers have taken advantage of the general discontent to fan the flame, and turn it to their own purposes. As to Persia or Russia having aught to do with it, the simple fact that the treaty was agreed to, and Herat evacuated, afford complete evidence to the contrary. It is possible that the King of Oude may have had something to do with it; but I should say that he, and those about him, rather took advantage of the circumstances which have been presented to them, than that they were the originators and concoctors of the plot. We know very well that the Hindoo population of Oude were strongly in favour of annexation. I have heard them myself say so, both before and subsequent to the comple-

tion of the measure. We also see that scarcely a chief in India has joined in the insurrection; and those that have joined have been solely Mahomedans, induced by fanaticism. My own impression, then, decidedly is, that the mutiny sprang from the Seypoys themselves, and that the approximate cause was the cartridge question. All that I have heard, both directly and indirectly, leads me to this conclusion."

That was the opinion of a great statesman to the effect that the mutiny was attributable entirely to other causes than the annexation of Oude. In a subsequent letter Sir John Lawrence said—

"I know many people think differently, but as yet I have seen nothing to lead me to think that, in the first instance, there was a general conspiracy of which the army were made the instruments. My own idea is, that the army, like the Prætorian Guards, had long seen its own strength, which indeed, however great, it exaggerated. It saw the small numbers of our Europeans, and constant contact with them had made the Sepoys undervalue their metal."

Hon. Gentlemen had said the outbreak was a rebellion, not a mutiny, but he (Mr. Mangles) could not see anything in the facts or circumstances, as far as they had come to light, to warrant the application to it of the former term, except, indeed, as to a comparatively small number of Mahomedan fanatics and some wild tribes, who were too glad to seize any opportunity of returning to their ancient predatory habits. On the contrary, there were circumstances connected with the province of Bahar, where the people were as warlike as in the North-West, and from whence the bulk of our Sepoys used to be taken, and many came from there still—there were circumstances connected with that province showing unmistakably that there was nothing like a rebellion on the part of the people in that quarter, at least. There were no Sepoys at the places where the events in question occurred, and it was a remarkable fact that where there were no Sepoys there was no insurrection. At the time of the mutiny of the three regiments at Dinapore, the Commissioner at Patna, the capital, called upon the civil authorities, considering that they were in danger—being unprotected by any military force—to leave their treasuries, and come into Patna to save their lives. In one district Mr. Money did not obey the order, but, having left, returned to his station and secured the treasure; but in two of the other districts, Mozzufferpore and Chuprah, the civil authorities came away, leaving the treasury, the gaol, and the station, to the mercy of the inhabitants. At Mozzufferpore there were some of the 12th Irregular Cavalry, who had just before murdered Major Holmes, their commanding officer. These attacked the Treasury, but were beaten off by the police; and when they attacked the town, they were repulsed by the police and the inhabitants. Though the Native officials were left without their European superiors, they defended the town, the Treasury, and the gaols; and when the civilians returned, the whole thing was handed back to them in the same state as when they left it. The Treasury, gaols, houses, indigo factories—all were safe, the prisoners remaining in custody, and the property untouched. The same thing occurred at Chuprah, where a Native gentleman took the command when the civil servants left, and when they returned handed over to them the place to their custody, with everything safe. Such facts were incompatible with the notion that the people generally were in a state of dissatisfaction. Orders had been sent to the Government of India to make a thorough investigation, and the more the question was probed the more satisfactorily would it be proved that it had been from the beginning a military mutiny. That certain turbulent classes and some few chiefs, so few that any one could count them upon his fingers, had joined the mutineers, was not denied; but the same would probably have been the result in London or in any country upon the occasion of such a dissolution of all civil authority as had taken place in parts of India. He was satisfied it would be found that the whole had been a military mutiny, and that there was not a shadow of foundation for the belief that the insurrection had been caused by any general disaffection on the part of the people. He was persuaded that the result of inquiry would show that the people were well satisfied with the Government under which they had lived, and that they had no wish to throw it off, still less to be brought under the direct dominion of the Crown. The noble Lord at the head of the Government had spoken of the East India Company as an unknown Company of merchants, but he must be allowed to say that, whatever epithets the Company might have deserved, the epithet "unknown" was scarcely applicable to the body which had gained for their country so magnificent an empire.

COLONEL SYKES said, that he had been represented to have stated on a former occasion that the sole cause of the mutiny in India had been the greased

cartridges. Now, he had made no such statement. What he had said was, that the mutiny was a military mutiny, and that the issue of those greased cartridges had led the native soldiery to believe that they were about to lose their caste, and that their religion was being interfered with. He had not said that there were no predisposing causes—that the Sepoys' minds were not for some time previously in a state of alarm and excitement; but he had said that the immediate cause of that outbreak and massacre at Meerut was the sentence of the eighty-five troopers of the 3rd cavalry to ten years' imprisonment in irons with hard labour as felons; and he had added, that from that moment an electrical shock had passed through the army, and not a Sepoy could be safely trusted. With regard to the annexation of Oude, he was Deputy Chairman of the Court of Directors when that territory was annexed, but as he fancied that he perceived a not very distant prospect of a deliberate discussion upon that step, he should, as far as his own personal conduct in that transaction went, reserve for that occasion any explanations of the motives which had induced him to adopt the course which he had on that occasion pursued. Meanwhile, he might state that the kingdom of Oude at that time was governed by an indolent and voluptuous king, who took little or no part in public affairs. The principle of government was to farm out districts to chuckledars, who collected the revenues from the barons or zemindars; and the chuckledar got as much money from the zemindars as they could at the cannon's mouth. If a zemindar could safely resist, then the chuckledar got nothing; and if he were the strongest, then he levied the more. This state of matters produced anarchy and bloodshed, and the following is a catalogue of the crimes and atrocities which were committed in Oude from 1848 to 1854. There were dacoities, or gang robberies, 1,031, persons killed, 4,399; persons wounded, 4,555; persons killed and wounded, not separately specified, 2,060—total killed and wounded, 11,014. Villages burnt and plundered, 547. Persons forcibly carried off, 1,493; and suttees, 34. Such frightful results as these in the short space of eight years appealed to all who had the slightest particle of humanity to use every endeavour to insure better Government; but he would admit that it was a very different thing to employ British power and influence to arrest anarchy and to dethrone a king. When the proper time arrived, however, he would be perfectly prepared, as far as he personally was concerned, to give all those explanations which no doubt would be considered due from him with regard to the annexation of Oude. It had also been assumed that the Directors of the East India Company were consenting parties to the invasion of Affghanistan, and an endeavour had been made to lead the House to that belief by quoting from what had fallen from Mr. Prinsep at the meeting of the East India Proprietors at the India House; but the fact was, that Mr. Prinsep was only explaining what took place in the secret department at Calcutta in connection with the secret department in London. And of the transactions of these departments the Court of Directors had not any knowledge whatever.

MR. KINNAIRD said, he rejoiced that the subject had been brought before the House, and he was bound to say that he agreed with nearly everything which had fallen from the hon. Member who had introduced it to their notice. He had also listened with the greatest attention to every word of the speech of the hon. Gentleman the Member for Guildford (Mr. R. Mangles), but he (Mr. Kinnaird) did not think he had answered many of the points that had been brought forward. It was evident that great negligence had been displayed somewhere, and nothing which had been said had cleared the East India Company and the Government from the neglect which had been displayed in leaving such a post as Delhi entirely in the hands of a native soldiery; and when the mutiny was put down he hoped that there would be a strict inquiry into the whole subject. The hon. Member for Inverness-shire (Mr. Baillie) had said he was sorry to see so very few reformers in the House upon this occasion. Now, last Session he (Mr. Kinnaird) had ventured to bring before the House the social condition of the Bengal Presidency. The House was nearly counted out. Where, he would ask, was the hon. Gentleman then? He himself could not consent to fix the whole responsibility of the annexation of Oude upon the Marquess of Dalhousie, for he believed that that annexation had been sanctioned by the Board of Control and by the Court of Directors. In fact, if the advice of the Marquess of Dalhousie had been followed in carrying

out that annexation, a great part of the evil which had since occurred would have been prevented, for he (Mr. Kinnaird) believed that the noble Marquess had left behind him a memorandum advising that similar precautions should be taken to those which were taken at the annexation of the Punjab—namely to flood the country with European troops. What had since been done by Sir H. Lawrence and his distinguished brother, Sir J. Lawrence, had shown the result of annexation carried out in a proper manner. During the present debate the hon. Gentleman who had brought the question before the House had referred to the opinion of Mr. Wylie, and had fallen into the mistake that that gentleman was a Judge of the Supreme Court, whereas he was only a Judge of one of the small courts; but he was a man who, from his ability, was as much entitled as any man in India to a distinguished post, but whose strong determination to show up every existing abuse had prevented his obtaining one, and he was glad to hear the hon. Member for Inverness-shire cite him as an authority in that House. [Mr. D. SEYMOUR: He is an uncovenanted servant, and could not be a Judge of the Supreme Court.] True, he was an uncovenanted servant, but there were many posts better worthy of his great talent which he might as an uncovenanted servant occupy; and he could only repeat that he had been much rejoiced to hear his name quoted as an authority in that House.

SIR JOHN PAKINGTON:—Sir, I thought when the hon. and gallant Member for Aberdeen (Colonel Sykes) rose, he was about to defend the Court of Directors from the aspersions which had been cast upon them by their hon. Chairman; but all that he has done has been to inform us that the King of Oude was an indolent and voluptuous Sovereign. But does the hon. and gallant Gentleman think that the justice of the case can be decided by imputing indolence and voluptuousness to that unhappy Prince? Why, he might as well tell us that every indolent and voluptuous gentleman should be deprived of his estate. It cannot be tolerated that the sins of indolence and voluptuousness are to justify such an act of spoliation. I came down to the House this evening fully expecting that the general debate upon the introduction of the Indian Bill would have been resumed, and was not prepared to take part in the discussion of this interesting matter of Oude. I cannot however refrain from offering some comments on what has fallen from the hon. Member for Guildford (Mr. Mangles.) Every one who has studied this question of Oude must feel that it turns mainly and essentially upon the proper construction of the Treaty of 1837. The right hon. Gentleman at the head of the Board of Control, in replying to the speech of my hon. Friend the Member for Inverness-shire, never once referred to the Treaty of 1837. The noble Lord the Member for London sought to justify the annexation of Oude, but has not touched upon the Treaty of 1837. My hon. Friend near me (Lord J. Manners), in an able and eloquent speech, dwelt upon the provisions of the Act of 1837 in just and proper language. The hon. Member for Guildford endeavoured to reply to what fell from him, and what was his language? He has told us that the Treaty was abrogated at home. There is, however, another question arising from this statement. Was the fact of the abrogation of the Treaty ever communicated to the King of Oude? If it never was so communicated, is there a man who will rise in his place and say that that act was either morally or legally an abrogation? And how did the hon. Member for Guildford explain this fact? How does he account for no communication of the kind having been made to the King of Oude? He said that at that time there was no intention to annex Oude to this country. But I think that no hon. Member of this House could have used language more strongly condemnatory of this annexation than that which the hon. Member for Guildford used by the way of an apology for the Act, avowing and confessing as he does that the annexation was effected in the face of the Treaty of 1837. That abrogation was never communicated to the King of Oude, and he was left in utter ignorance of any such proceeding. I think, upon this statement of the hon. Member for Guildford, we have a right to say that those who vindicate the policy of the Government in the annexation of Oude are bound to give us some answer to the Treaty of 1857 very different indeed from that we have heard from the hon. Member for Guildford. Well, then, the hon. Member for Guildford seeks to justify this annexation on the ground of the disgraceful state of the people of that country. May I for a moment refer to the despatch of Lord Auckland, to which my noble Friend has already adverted? What is his language? In

addressing the late King of Oude, he says, "From the period at which you ascended the throne, your Majesty, in comparison with times past, has greatly improved the kingdom." This letter clearly establishes two things—first, that the government of Oude had considerably improved under the rule of the late King; and, secondly, that in the year 1839, Lord Auckland, the Governor General, was not aware of the abrogation of the Treaty. We have heard the speech of the hon. Member for Guildford, and I think that the House will agree with me that the argument of the hon. Gentleman was based on a known continued systematic abuse of power by the King of Oude. Now, I will refer to the authority of Bishop Heber upon this point. Bishop Heber stated that he was both pleased and surprised, after all he had heard to the contrary, to find the country so happy and contented, and with a population generally so industrious. This I think proves, after all, that the misgovernment of Oude was not so serious as Her Majesty's Ministers and the hon. Member for Guildford would lead us to believe. But let the misgovernment be what it may, the Treaty of 1837, of which hon. Members opposite have been so shy to-night, provided for the temporary assumption of the kingdom of Oude by England, by the East India Company, in order that any abuses which existed might be corrected. But it cannot be quoted in justification of the act of spoliation which had taken place by which the late King was dethroned and deprived of his territory. What was the other argument used? The hon. Gentleman said it was a just and necessary act. I will not argue with him as to the necessity of the case. I presume that the East India Company may have a view of their own as to the necessity of the case, which, perhaps, I should not concur in. But when he says the act was just, I must protest against that view of the case, and declare that so far as I can make myself master of that unhappy passage in our history of India, my idea is this — that my noble Friend is warranted in every word he has said on the subject, and that it is one of the most unjust and unrighteous acts that has ever been accomplished in a civilized country.

General THOMPSON said, the subject before the House was the cause of the insurrection in India. He was not "an eminent man," but he knew hundreds of men like himself, who thought they could see with great ease into the cause of that insurrection, and who wondered that statesmen, practised as they were in such subjects, could not do the same. The hon. Gentleman opposite had detailed to them the consequences and the dangers which arose out of the annexation of Oude, and particularly that arising from filling the Native Bengal army with Natives of that country. But there were causes at work which co-operated, and which had been at work for a long series of years. The grand principles with those able men who in early days ruled in India, were that there should be no interference with the religion of the Natives, and that the increase of European colonists or planters should be discouraged. They said, and rightly, "if you interfere with religion, there will be resistance, on the same principle that Englishmen would resist at home; and if the introduction of colonists was encouraged, there would to a certainty be introduced along with them that horrid war of races which, when once introduced, ended only in the extirpation or utter subjugation of one or the other race." There was justice in the statement that the religious bodies had a good deal to do with it. To the manner born, he was not afraid of the religious bodies. He knew their strength, and their infirmity. Their infirmity was in looking to that precept of their great Teacher, "You shall do to others as you would wish them to do unto you," always with the exception when one of the parties was I myself, and the other was of a different creed. Let them sift the complaints that came from India. One was that the Bible was prohibited in certain schools. Did any man doubt that this meant, that in schools where Mahomedans sent their children, the Christians demanded that the Bible should be introduced? If Charles Martel had failed at Tours, and Mahomedanism had become dominant, would not the Christians object to the Mahomedans demanding the Koran to be introduced into their schools? He did not expect the religious bodies to admit the rule; but he did expect that statesmen who were responsible for the conduct of affairs should do what they could to prevent the danger of this conflict. Then, again, there was the danger from the colonists. The grievance of the planter mind was, that any Indian-born should rise to place or office. The press—which it was said was put down — demanded that every Native of India should be made to show respect to every Englishman he passed.

What was that but rampant Virginian plantership? These things naturally roused a feeling in the Native army, who besides suspected that means were being taken to injure them in their religion. Then how did this insurrection break out? A colonel of a regiment, acting on his sectarian principles, avowedly lectured his soldiers on religion. At last one of them, in liquor or the equivalent, turned out, and shot the adjutant's horse. That man was hanged, and it could not well be otherwise; but a Native officer, charged with not being sufficiently nimble in turning out his guard which refused to act, was hanged also. He thought if the colonel had been substituted, it would have been substantial justice. What was the next proceeding? A Native cavalry regiment was ordered to put that in their mouths which they believed was unclean, and which they said would condemn them to lose their reputations with their countrymen; combining the same sort of insult and injury as would be done to European dragoons if they were told they were to be sent to the veterinary surgeon to undergo the operation usual with cavalry horses to increase their docility. They respectfully declined, which would be the case in our own regiments; and eighty-five of those unhappy men were ordered to work in irons on the roads for ten years, on which moderate and delicate sentence the mutiny began. Men were hunted with cavalry and blown from guns in consequence, and then, when Natives had the upper hand, they retaliated. Reprisals never did much good; but if Alva or Tilly had been in similar circumstances they would have known that to do what the Europeans did—wait till 500 of their opponents had collected on a magazine and then blow it up—they would have known that such an act would be followed by the destruction of as many of their own party as were in the hands of the others. He declared that if he were on full pay and allowances, to do all he could to make difficult the British rule in India, he could think of nothing that had been left undone. He passed over many acts, and would only refer to one, which was the slaughter of the Native Princes of Delhi. He could not, without infringing on the claims of conscience, designate that act as anything but the foulest murder under trust recorded in history. ["Oh, oh!"] Gentlemen said "Oh," but there were parts of the country where different feelings were roused, and where it was felt that the act was a dishonour to the English name, which never would be got over while the English name remained. He had seen three different accounts of it, two of them professing to be exculpatory, and in all of them mention was made of "emissaries" and "negotiations." There was therefore no doubt about the character of the transaction. In other cases, English officers, by their own hand, became executioners; they adjusted the rope, they fixed it to run easy, and then they hanged them. ["No!"] Look and see; it was in letters from themselves in the newspapers. He was unwilling to go into details, because there were those who could not answer for themselves. The tortured and the torturer were both of them before God; he thought the Brahmin would have the best of it. Posterity and mankind would judge of all these acts, and we should have the shame and disgrace left to us. "We hang them like fun" wrote one of the colonist executioners. He begged pardon for making such a quotation in their presence, but it showed the manner of man who had got the upper hand in India. And with all this before them statesmen were doubting what could be the possible ground for an insurrection in India. There was a time when they declared it unbecoming to look into the causes. Those causes were in continuous action now, and it would not be imprudent, he thought, to look into them and recognize them. He had to thank the hon. Gentleman for having brought the question forward, and he should be happy if he, in the opinions he had expressed, had thrown any light upon it.

MR. PALK said, he had been prepared to hear wild theories enunciated on points of policy on the other side (the Ministerial) of the House, but he had certainly never expected to have his feelings so outraged as by the speech to which they had just listened. He had never expected that those who had polluted and butchered the wives and daughters of our officers, who had tortured and murdered infants, who had outraged every feeling of humanity, would find a defender in that House. Least of all had he expected that one who had held a distinguished command over regiments, which owned the Sovereign of this country, would have raised his voice in what was still a Christian House of Parliament to defend the atrocities of the Sepoys in India. He was afraid to trust himself to speak further on

such a subject, so strong was his indignation. He bowed at once with deference to those who were much older than himself, and who had much greater experience; but, with the name he bore, he should be wanting in those feelings which he believed actuated every Gentleman in that House, and every man who represented any constituency, if he sat quiet and did not enter his protest against a speech which he trusted would never be copied in that Assembly.

General THOMPSON explained, that he had distinctly admitted the killing; but the reason he had not alluded to the rest of the reports, was that he disbelieved them; and the reason he disbelieved them, was because the witnesses when asked, said No.

Mr. P. O'BRIEN remarked, that he certainly had not understood the hon. and gallant Gentleman to express the smallest or most distant sympathy with atrocities at which every hon. Gentleman must feel the deepest abhorrence. He regretted, however, to find that the hon. and gallant Member entertained an impression that British officers had done acts in India of which he believed no British officer was capable. With regard to the Motion of the hon. Member for Inverness-shire, he thought, after the eloquent speech in defence of the East India Company made on the previous night by the hon. and learned Member for Enniskillen (Mr. Whiteside), that that Motion, having led to such a damaging exposure of the acts of the Company, was a very false move.

Copies *ordered*,—

"Of any Despatch from the Secret Committee, in the year 1831, addressed to Lord William Bentinck, and ordering him to annex or otherwise assume the administration of the Kingdom of Oude:"

"Of the Despatch of Lord William Bentinck, explaining his reasons for not carrying those orders into effect:"

"Of the Correspondence which took place between the Secret Department of the India House and the Governor General of India, in the years 1833, 1834, and 1835, in reference to the annexation of Oude:"

"Of the Correspondence which took place between the Court of Directors or the Secret Committee and the Governor General of India, in the years 1837, 1838, and 1839, in reference to the Treaty with the King of Oude, signed by the Governor General, September 11th, 1837:"

"And, Copy of a Note or Minute, signed by Sir Henry Ellis, when a Member of the Board of Control, explaining his reasons for dissenting from the projected annexation of Oude."

Mr. Pa'k

VACATING OF SEATS.—LEAVE.

Mr. WRIGHTSON moved for leave to bring in a Bill to alter and amend the Act of the sixth year of *Queen Anne*, c. 7, so far as relates to the vacating of seats in Parliament on the acceptance of office.

Motion made and Question put,—

"That leave be given to bring in a Bill to alter and amend the Act of the sixth year of Queen Anne, chapter seven, so far as relates to the vacating of Seats in Parliament on the acceptance of office."

The House *divided:* Ayes 91; Noes 108: Majority 17.

BANK ACTS.—INSTRUCTION.

Mr. GREER said, he rose to move that it be an instruction to the Committee on the Bank Acts to inquire into the operation of all the laws affecting the currency in Great Britain and Ireland, and what amendments, if any, they might consider desirable. One point, not sent before the Committee, but which he wished inquired into, was the question of limited liability. Another was the subject of small notes. He wished bankers and other persons connected with the commerce of Ireland and Scotland to be examined before the Committee to prove that the circulation of small notes was beneficial to commerce and might be introduced with great advantage into England. Then looking to the increase in the supply of gold consequent upon the gold discoveries, it would be a great mistake on the part of the House to shut its eyes to that fact. It would be in the power of the Committee to collect evidence in reference to that subject and its bearing upon the trade and currency of the country. There was another point to which they ought also to direct their attention—namely, the fact that when a gold currency became depreciated it required a larger amount of the circulating medium to carry on the same amount of traffic. He thought their experience of the crises of 1847 and 1857 proved to demonstration that the Act of 1844 was not sufficient to provide for the wants of the country during such emergencies. If that Act had not been a failure those who supported its principle were bound to point out in what way the Bank could have supplied a sufficient quantity of gold to meet the demand on such occasions of pressure. For himself he believed the truth was, that those emergencies came so rapidly, and required to be met so speedily, that the gold

could not be brought in to meet the necessities of the country from day to day. He held, too, that the fluctuation caused by the Act of 1844 had proved exceedingly mischievous, by continually varying the value of the money used from day to day as the standard of value.

MR. COWAN seconded the Motion.

Motion made and Question proposed,—

"That it be an Instruction to the Select Committee on Bank Acts, to inquire into the operation of all the Laws affecting the Currency in Great Britain and Ireland, and report what amendments, if any, they may consider desirable.

MR. CARDWELL said, the House would excuse him if he declined, at that late hour and under the circumstances, to follow the hon. Gentleman in his disquisitions on the currency. He might, however, state that the Committee that had been appointed was now engaged in inquiring into the two subjects to which the hon. Member had alluded, namely, the operation of the Bank Act and the recent commercial distress. When that Committee was appointed a very general feeling was expressed by the House of apprehension that the order of reference might be too large, consequently that the proceedings of the Committee might be too extended, and that there would be no practical result. Now the Committee were just about to enter upon the topics connected with country and joint-stock banks, and the House might be perfectly certain that, constituted as the Committee was, they would not be guilty of the injustice of entertaining one or more topics to the exclusion of others bearing pertinently upon it. Then with regard to the large question raised by the hon. Gentleman, of changing the money standard of this country, he could not say whether that might or not be a subject of inquiry, but the House would see that the Committee, as appointed, had really ample occupation, and that if they were to render a useful result before the close of the Session they had much better not encumber themselves with the inquiry.

Motion, by leave, *withdrawn*.

MORTALITY IN THE GUARDS.

REPORT MOVED FOR.

CAPTAIN ANNESLEY said, he wished to move an address for a copy of the Report of the Medical Officers of the Foot Guards which stated the average mortality in that brigade. He anticipated that the document in question would show results different from those contained in the recently published Report of the Commission.

COLONEL TAYLOR seconded the Motion.

Motion made and Question proposed,—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, a Copy of the Report of the Medical Officers of the Foot Guards which states the average Mortality in that Brigade."

MR. SIDNEY HERBERT: I shall not detain the House at this late hour, but I was unfortunately absent when the gallant Officer opposite made his observations the other night, which I regret the more because, from the report of what he said, I think he and his brother officers are labouring under some misapprehension as to the statements of the Commission and the object with which they were made. If the gallant Officer would read the Report of the Commission he would see that we have not attempted to cast blame or throw imputations upon any person whatever. We have merely stated facts which came under our cognizance. The hon. and gallant Member, however, probably feels sore at some imputations which have been thrown anonymously upon the officers of the Guards. All I can say with reference to that matter is, that it is not the business of the officers of the army to administer the affairs of the army; they have only to obey the regulations issued by other parties and conduct their duties accordingly. They ought not, therefore, to be held in any manner responsible for things which are under the care of those who administer the affairs of the army. It happens, in the present case, that the Government are aware of the necessity of doing something, or they would not have appointed a Commission, and I am bound to state that Lord Panmure since that Commission reported has shown the greatest anxiety to carry out the improvements recommended, and has selected a committee of gentlemen for the purpose of putting our suggestions into workable shape. An impression appears to prevail in some quarters in regard to the mortality in the Guards that the Commission acted unfairly in stopping at 1853. I wish to state why it was that we did not bring down our returns below that year. Let me say, in the first place, that the Commissioners are not responsible for the statistics themselves. We used only

published, authentic, official documents, and the statements we have made respecting the mortality in the army, including the Guards, were derived from Reports which have been presented to Parliament. These Reports, I understand, were prepared from returns made by the colonels of regiments themselves, and forwarded to the Adjutant General or some of the other authorities at the Horse Guards. Therefore we are not responsible for the statistics, if they are in error. But it seems to be thought that we have made an unfair selection. Now, one thing is clear with regard to statistics—if you take single years or single periods you are almost certain to be misled, because those years or periods may be exceptional; and therefore the only way to arrive at accurate results is to extend your examination over lengthened periods. The Commissioners took fifteen years, and the reason we stopped at 1853 was that the war with Russia then broke out, and to argue about the mortality of our troops at home during the time they were engaged in operations in the Crimea, which were most destructive to human life, would have been manifestly absurd. I believe the gallant Officer opposite founds his belief that the Guards can now show better rates of mortality than those mentioned in our Report upon the fact that during the last twenty months there has been a great decrease in the number of deaths. I am not surprised at that. The old brigade was almost destroyed in the Crimea; a new brigade has taken its place; that brigade is composed of young men, and a young life is better than an old one. Morever, when the Guards came home they underwent a considerable reduction, and the men who were discharged were the weak and sickly; that left the brigade as young, as healthy, and as strong as it is possible to conceive an equal number of men to be, and no wonder in these circumstances that the rates of mortality show a decrease. But I contend that it would be wrong to place the mortality of the last twenty months before the public, and say "The Guards are in such a healthy condition that there is no need for improving their barracks or carrying out any of the recommendations of the Commissioners." We must recollect, also, that the last two years have been singularly healthy, and that they have witnessed a diminution of the general mortality.

Mr. Sidney Herbert

CAPTAIN ANNESLEY: I did not refer to the last two years at all. The Reports which have led me to different conclusions from those stated by the Commissioners are those for the ten years immediately preceding 1853.

MR. SIDNEY HERBERT: Has the gallant Officer any objection to take not ten, but fifteen years, and thus embrace the whole period upon which we have founded our calculations?

CAPTAIN ANNESLEY: The Report for which I have asked refers to a period of fifteen years previous to 1853.

MR. SIDNEY HERBERT: If the last two years are included I propose to add a return of the number of non-commissioned officers and men discharged from the Foot Guards during the same period, distinguishing those discharged on reduction as being under height, those discharged upon the recommendation of the medical officers, and those invalided. We shall thus, I think, bring out the real facts of the case. I wish to repeat that this Report is a great weapon in the hands of the army, and of those who are its well-wishers, who desire to put an end to evils of which, to my certain knowledge, there have been loud and long complaints. I know that during the investigation we have received from no quarter more ready or fuller information than from the officers of the Guards, than whom I am certain there are none more anxious to improve the condition of their men. I say this, because some unfair and undeserved attacks have been made. I may add that the sole object of myself and of those who acted with me in this investigation was to improve the condition of the army, and I trust that we have discharged our duty in a manner that will lead to the attainment of that end.

Amendment proposed,—

At the end of the Question, to add the words, "from the year 1839 to 1853, both inclusive:

"Returns of the number of Non-commissioned Officers and Men discharged from the Foot Guards during the same period, distinguishing, 1. Those discharged on reduction as being Under Height; 2. Those discharged on reduction by recommendation of the Medical Officers; and, 3. Those Invalided from the 1st day of June, 1856, to the 1st day of February, 1858:

"And, of the Ages and Years of Service of the whole strength of the Brigade, stating separately the Non-commissioned Officers and Men so discharged and invalided, and those who have died, during the same period, according to certain tabular forms;

[Here follow the tabular forms.]

COLONEL NORTH expressed a hope that the House would have some opportunity of making remarks upon the Report, as the public press had attributed blame to the officers of the army owing to the manner in which that Report was worded. In one newspaper it had been asked how it was that Prince Albert, the Duke of Cambridge, and Lord Strafford had allowed their soldiers to become in such a condition; but those who knew anything of the army must be well aware that as regimental officers those individuals had no power to interfere. The whole power rested with the House of Commons, which could grant or refuse the means of effecting improvements. He thought it was a curious circumstance that for the last ten days the Report had been commented upon in the various newspapers, while it was only on that very evening that the Report itself had been laid before that House. He did not complain of information being given to the press, but the course which had been followed had led to erroneous views as to the power of the regimental officers of the army to interfere with the evils which were complained of. The Report contained much valuable matter, and he hoped it would lead to the adoption of better means for promoting the health of the men.

SIR JOHN RAMSDEN said, that at the close of the last Session the Report was in a state that induced the Government to expect it would be laid before Parliament immediately upon its reassembling. He therefore presented a paper intended to represent that Report, in order that the document itself might be distributed to hon. Members as soon as it was ready. The Report, however, had not been concluded so early as was anticipated, and could not be distributed until that day. He did not offer any opposition to the returns moved for, nor to the additions proposed by the right hon. Member for Wiltshire (Mr. Sidney Herbert), as it was most desirable that every possible information should be given. The subject was one in which the Government took a great interest, and he would mention the steps that were taken by the noble Lord at the head of the War Department. The Report contained no reflection upon regimental officers, because all responsibility rested with the administrative department of the army. In the course of last autumn it became known to the War Minister that the Commission had received information which showed the state of the barracks to be very unsatisfactory. He considered it his duty not to wait until the Report had been presented, but to deal with the matter at once, and appointed a Committee to report upon the state of each barrack, and in order to avoid delay he gave that Committee power to expend a certain sum in repairs of the barrack without the necessity of first communicating with head-quarters. That Committee consisted of two medical officers, an engineer officer, and was presided over by the right hon. Member for Wilts (Mr. Sidney Herbert), and when he mentioned that that right hon. Gentleman had personally visited each barrack as far as the inquiry had gone the House would be quite satisfied that the duties intrusted to the Committee would be efficiently performed.

GENERAL CODRINGTON thought the army had every reason to be grateful to the Commissioners for the valuable information they had acquired and embodied in their Report. He thought, however, that some explanation was required upon one point. The returns of mortality from the medical officers of the Guards for the fifteen years showed an average of only about fifteen per 1,000, while the return in the Report showed twenty or twenty-one. That difference required explanation,—whether the returns to the War Office included deaths from accidents, while the medical officers of the Guards returned only deaths from disease. He hoped the House would rely upon the authentic returns which would be laid before them and disregard all anonymous writers. The Commission, which had so well performed the duty intrusted to it, would enable the public to form a correct judgment upon the matter. He was glad to find that no blame was attached to any of the regimental officers of the army in consequence of the disclosures contained in the Report, for he could say that none were more anxious to improve the condition of the private soldier than those officers, but their recommendations had been little heeded. In 1849 he had himself written a letter to the authorities calling attention to the condition of the non-commissioned officers' mess room at St. George's Barracks, underground and badly drained, but upon visiting a day or two back he found it in the same condition.

COLONEL KNOX said, he could confirm the statement that it was not the fault of

the regimental officers that no improvements had been made in the condition of the army. He, himself, had every Session called the attention of the House to the unsatisfactory state of the barrack accommodation in the Metropolis, but hitherto without avail. He thought, therefore, the service was much indebted to the right hon. Member for Wilts for his labours on behalf of the army, and for the Report which had at last aroused public attention to the wants and necessities of the British soldier.

COLONEL PENNANT said, he could bear testimony to the ill-ventilated and crowded state of the barracks for the Guards. He had himself, when an officer in the Guards many years ago, seen the men in one of the barracks sleeping in tiers one above another, as sailors do on board ship. It must be remembered, however, that the expenditure necessary for the substitution of new barracks, which were now complained of, was then objected to on the plea that it was proposed to build gorgeous palaces for the troops.

Question, "That those words be there added," put, and *agreed to.*

Main Question, as amended, put, and *agreed to.*

Resolved,—

That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, a Copy of the Report of the Medical Officers of the Foot Guards which states the average Mortality in that Brigade, from the year 1839 to 1853, both inclusive:

Returns of the number of Non-commissioned Officers and Men discharged from the Foot Guards during the same period, distinguishing, 1. Those discharged on reduction as being Under Height; 2. Those discharged on reduction by recommendation of the Medical Officers; and, 3. Those Invalided from the 1st day of June, 1856, to the 1st day of February, 1858:

And, of the Ages and Years of Service of the whole strength of the Brigade, stating separately the Non-commissioned Officers and Men so discharged and invalided, and those who have died during the same period, according to certain tabular forms:—

[Here follow the tabular forms.]

GOVERNMENT OF INDIA.—NOTICE.

VISCOUNT PALMERSTON said, that as the hon. and learned Member for Sheffield had, considering the importance of the debate on this subject, been kind enough to say he would give way on Thursday next, in order to allow it to be then brought on, he hoped that other hon. Members who had Motions on the paper for the same day would be induced to follow his example. He therefore fixed the resumption of the adjourned debate for Thursday.

House adjourned at One o'clock.

HOUSE OF COMMONS,

Wednesday, February 17, 1858.

MINUTES.] PUBLIC BILLS.—1° Prescription (Ireland).

2° Ecclesiastical Residences (Ireland); Churches, &c., (Ireland); Church Rates Abolition.

ECCLESIASTICAL RESIDENCES (IRELAND) BILL.

SECOND READING.

Order for Second Reading read.

MR. NAPIER, in moving the second reading of this Bill, said that it was a Bill for practically amending the law relating to Ecclesiastical Residences in Ireland. In 1851 he had found these laws in such a complicated and neglected state—one statute crossing another—that no one could tell what the law really was. On that occasion, thinking that he would be doing a service by consolidating and amending these statutes, he had given his attention to the subject, and had been assisted by the noble Lord the Member for London, who had always been a sincere and active co-operator in every measure for reforming the law. At that time a vast number of statutes were consolidated, and an Act was passed relating to ecclesiastical residences; another with regard to endowments, and a third for the repealing of all the old laws. He was happy to say that, since then, he had got the sanction of the House for the establishment of a Department of Justice. There would never be anything like sound law reform until they had a Department of Justice specially charged with that, and until they got rid of amateur reformers. A large number of his constituents being clergymen, he had felt it to be his duty to devote himself to the particular branch of the law to which the present Bill and the former Acts referred. The old law proceeded on the unjust assumption that the ecclesiastical

residence ought always to be kept up as a new house ; and acting under it, the Commissioners of Dilapidation often condemned materials which would have lasted for years, and the deceased clergyman's family were, consequently, called upon to pay for repairs and dilapidations to an extent to which they were not justly liable. It was against this injustice that the Act already passed had been directed. It attempted to divide these payments equitably among the different holders of a benefice. That Act was made as complete as it could be at the time it passed ; but an Act, like a house, required occasionally to be repaired. He had kept a record of all the cases which the Act in question did not meet, and what he desired to do by further legislation on the subject was to meet, as far as possible, the defects for which that Act had not provided a remedy. He had confined the Bill to a very few points, and what he then proposed was, that it should be read a second time, and that the Committee should be deferred until after Easter, so that ample time should, in the mean time, be given for the circulation of the Bill through Ireland, with a view to considering the details. He understood that there would be no objection in any quarter to the adoption of that course.

SIR GEORGE GREY said, he was quite ready to assent to the proposal of the right hon. and learned Gentleman.

Bill read 2°, and *committed* for *Wednesday*, 14th April.

CHURCH RATES ABOLITION BILL.

SECOND READING.

Order for Second Reading read.

SIR JOHN TRELAWNY, in moving the second reading of this Bill, expressed his regret that the question had not fallen into abler hands ; but having been the Chairman of the Select Committee on Church Rates, it had been thought desirable that he should be the person to take charge of the Bill. He hoped that both parties in debating this Bill would rely entirely on facts and arguments, and would avoid everything which savoured of acrimony. If Churchmen in arguing this matter would put themselves in the position of Dissenters, and Dissenters in the position of Churchmen, both parties would be more likely to take a fair and impartial view of the differences which existed between them. The law on the subject of church rates was not understood. It was generally supposed that church rates were a tax upon property ; but that was altogether a mistake. It was a tax *in personam*, not *in rem*, and the Stock-in-trade Exemption Act does not apply to it. Though it might be a common-law charge, there was no common-law mode of enforcing it. The remedy was by means of the ecclesiastical courts, the procedure of which in such cases was entirely out of the question in these days ; and the penalty for non-payment was, in former days, interdict and excommunication ; but now, under a modern Act, two years' imprisonment for contempt upon significavit thereof to the Chancellor. The truth is, the law is a complete anachronism. It may have been suited for a time when dissent was an offence against the law, and when there was but one homogeneous system ; but it ceased to be tolerable when religious differences ceased to be visited with direct legal penalties. In illustration he could not do better than read an extract from the evidence of John Hodgkins, a barrister, and member of the Society of Friends, before the Committee of 1851 :—

" He commenced by supporting the common-law obligation to repair the nave of the church, but contended that this originated at a time when the same homogeneous religious system existed. In proof that the law contemplated this uniformity, he cited the law to enforce attendance at church and communion. Thus, by the Act of Uniformity (1 *Eliz.* c. 2, s. 14), every person was to resort to church, on pain of Church censures, and twelve pence for every offence ; and by the 23 *Eliz.* there is a penalty of £20 a month for continuing to neglect to do so. By the 20th canon of *James* I., 1603, it is provided that 'churchwardens shall diligently see that all parishioners duly resort to church ;' and similarly, the 112th canon provides for presenting the names of all persons, 'as well men as women, who, being of the age of sixteen, received not the communion at Easter before.' The 5 & 6 *Edw.* VI. c. 1, s. 6, imposes a penalty for being present at any other form of worship ; for the first offence, six months ; for the second, twelvemonths ; for the third, imprisonment for life. By the 13 & 14 *Chas.* II. c. 1, Quakers, for assembling for worship were liable, for the first offence, to £5 ; the second £10, and for the third to be transported to the plantations as slaves. By the 22 *Chas.* II., which is called the Conventicle Act, further penalties are imposed on persons attending conventicles ; all which laws prove that, in those days, nonconformity was not endured in the eye of the law. Dissent was, in short, treated as a crime as well as a sin. Thus, by the 2 *Hen.* IV. c. 15, it was enacted that, 'none from henceforth anything preach, hold, teach, or instruct openly or privily, or make or write any book contrary to the Catholic faith or determination of the Holy Church.' "

And, in confirmation of the same view, the following question and answer of Sir S. Lushington is highly important. He is asked:—

"2357. And yet I understand you, that if the majority of a vestry choose to negative a rate they can do so by law?—Yes.

"2358. There seems to me to be an incongruity in those two opinions?—You must proceed against the majority until they obey you, and as they have no other means of obeying you but by making a rate, you compel them to make a rate; you would not admonish them to make a rate, you would admonish them to repair, and if they did not repair, you would pronounce them in contempt and commit them; and then, as they must have a rate to pay for the repair eventually, it is a compulsory mode of making a rate, but that is the course. It is a very unfortunate course, but really the whole thing is fully explained if you only look at the history of church rates; when you remember that the origin of church rates was this, that the whole people of this country were Roman Catholics, and that in those days the idea of any man refusing to contribute to what was necessary for the performance of Divine Service and for upholding the fabric, was an offence in the sight of the Church which would not have endured for one hour, and the Church would instantly have pounced upon him. So it went on till the Reformation, and when the Reformation came things were a little shaken; but then came the High Commission Court, and every person who refused to repair was put into the High Commission Court. I need not tell gentlemen here assembled that Archbishop Laud was not backward in enforcing the repairs of the church or making church rates. This went on till Charles the Second's time, when we have a series of litigation. Then in William the Third's time, when things began to assume another appearance, the litigation commenced with rather another aspect, and so we have kept on from that day to this; but it is quite evident what the principle was; the principle was, that every individual was *ex-necessitate* a member of the existing Church, and no man living dare disavow himself so to be."

Therefore, even if the retention of the tax were desirable, some alteration as to the mode of enforcing it was absolutely necessary. There was also great difference of opinion as to the objects for which a rate could be levied, and no less than five objections might be taken in the ecclesiastical courts on this ground alone, affording, of course, endless occasions of litigation. The two cases which governed the law on this subject were known as the two Braintree cases. The first, "Burder *v.* Veley," raised the point whether a rate refused by the majority of the parishioners, and subsequently made by the churchwardens alone, was good or bad. This was litigated through all the courts, and the rate was held to be bad. The other case, "Gosling *v.* Veley," raised the point whether the churchwardens with a minority of the parishioners could make a rate. This also was carried through the different courts, from the ecclesiastical courts to the House of Lords, and the effect of the judgment of the House of Lords was that a minority of the parishioners could not make a rate. No doubt, the churchwardens might apply any funds which happened to be in their hands, either from subscriptions, rent of lands, or any other source, to discharge the common-law duty of repairing the fabric, but they could not levy a rate without the consent of a majority. Most people were acquainted with the general features of a church-rate contest. First of all, there was the election of the churchwardens, and here, of course, the Dissenters took all pains to get a Dissenter for one of the churchwardens. If both happened to be Dissenters the case of the church rate was desperate, for, of course, conscientious Dissenters would object to moving in any way in the ecclesiastical courts; and churchwardens having no assets in hand are free from liability if they do their duty by proposing a rate. But suppose that the churchwardens were members of the church, and that a 4*d.* rate was made. They tried to enforce it, and the case went before a magistrate. The person who was called upon to pay, driven to the last resort, said, "I dispute the validity of this rate." The utterance of these simple words at once took the matter out of the jurisdiction of the magistrate, and it went next to the ecclesiastical courts. In the Consistory Court, after a long struggle, perhaps the rate was established, and then it went to the Court of Arches. In the meantime subscriptions were often raised for the payment of all expenses, and the person who resisted the rate, instead of being a victim, not unfrequently reaped a benefit in the shape of increased custom in his business. From the Court of Arches the case might go to the common law courts, and thence perhaps it would get to the House of Lords. It was not ended even then, for there was a second court of appeal; it might go back again to the Court of Arches, and finally land in the Privy Council. He believed, on the authority of Sir S. Lushington in his evidence before the Committee, that the celebrated Braintree case had more than gone through all these stages. He could not imagine that this was a state of the law which the House would wish to

perpetuate. It was neither for the interest nor dignity of the Church to rely for support on the success of struggles of excited meetings (the clergyman being in the chair), where the questions debated were the cost of washing surplices, or whether eight or four bottles should be used of sacramental wine. It was after all but a poor triumph to place a poor cobbler in prison for six months because his conscience compelled him to refuse to pay homage to doctrines he repudiates. Conscientious scruples were too rare now-a-days to be treated with censure or indignity. In the race of education, it was not fair that the Dissenter should carry weight. He knew that it was commonly urged that church rates were a charge upon land. That was not true in principle ; and even if it were true in theory it must be taken with great qualifications, and he did not think that the system would be defended upon the pedantic ground that it was a charge upon property; for after all it should be recollected that the tax is contingent upon a vote of a majority, and is not a certainty. He had read the Return which had been moved for by the noble Lord the Member for Stamford (Lord R. Cecil), with respect to the number of parishes assenting to church rates and the number that resisted them ; but he thought that that Return was in some instances fallacious, because it omitted all those parishes which were not within cities or Parliamentary boroughs, and it therefore did not include the whole of the population. He had come prepared with a long list of those places in which grievances had occurred under the operation of the church-rate law, but as he did not wish to be documentary, he would not trouble the House with them. The Return showed, however, in many instances that it was the church men who had to complain, and not the Dissenters ; and he had extracted from the Return a number of cases in which, in the case of district churches, there were double church rates, which was, of course, a hardship upon churchmen who were called upon to pay them. It was true that, under Lord Blandford's Act, these districts were relieved from this double rate ; but the district churches did not become parish churches until after the lapse of twenty years; so that, for that time, they were subject to the double rate. According to the Return which was made in 1854, the actual amount of church rates was £314,659 ; the debt charged upon them was £318,200, and the receipts from other sources besides church rates in that year were £170,195. If so large a sum were raised in that way might not more be obtained without compulsory enactment ? In the days of the free-trade struggle, the landed gentry often complained of the burdens upon land, and objected to the repeal of the corn laws on account of those burdens. Now, if the argument be sound that these rates are a burden on land here was an opportunity for adjusting the scale a little ; let the agricultural party pair off church rates against corn-laws, and aid him in getting rid of this impost. In parishes where there were no church rates the repairs were readily defrayed by voluntary subscription. In the borough which he represented church rates had been discontinued for twenty years. He understood that one Dissenter had given £25 towards the repairs of the church, which was kept up with great beauty and splendour. The objects for which church rates were granted were very vague and ill-defined ; but the Government never appeared to have taken any trouble to minimize the evil as they might have done. For example, many Dissenters would not object to a burial rate ; others again would not object to repair the fabric of the church ; and so if but a little pains had been taken by the Government, he believed that the more objectionable features of the present system might have been removed. The very thing which he now asked the House to grant had been done in Ireland in 1833 by the abolition of the vestry cess. If the vestry cess had not been abolished, the Government would have found it impossible to maintain it now ; and he suggested that, as in the case of church rates, we had an unworkable law against which the Dissenters had conscientious objections, the best thing that we could do was to abolish it at once ; and he trusted, for the interest both of the Church and of the public, that that course would be adopted. Last year the Government had abolished ministers' money, which was unquestionably a fixed tax upon property in eight towns in Ireland. No one ever doubted that ; yet, when somebody said that property had been bought subject to the tax, the noble Lord at the head of the Government never condescended to argue the point ; but, with that happy manner of his, he brushed the cobweb away as indefensible on any

principle of common sense. Although the Dissenters had been promised some relief, however, last year, they had not been so successful as to obtain a renewal of it upon their recent interview with the Premier. The noble Lord played with them in that facetious manner of which he was so capable, and seemed to turn them completely round his thumb. Of course, the Dissenters were not altogether satisfied with the answer they had received. He did not think that any substitute which had yet been proposed for church rates was satisfactory. Lord Althorp's plan was to charge a land-tax, which was not likely to meet with universal approbation ; and the plan of pew rents was still worse ; for it deprived the working classes of their right to go to church. On the Continent the church doors were open during the whole week, and everybody was invited to go in; here they were grudgingly closed on week days, and instead of short week-day services working people were offered treble services on Sundays—the only holiday they had—and there they sat in church for two hours at a time, listening to maxims from the pulpit which were systematically falsified in private life. Our cathedrals had been opened lately for the benefit of the labouring classes, but it would take a long time to convince the working man, after he had been struggling for years with the beadle for a square foot of pavement, that the church was the joint inheritance of the rich and the poor. His advice would be, to open the churches on the week days, to give short services on those days, to open the parks and museums, as well as the churches, on Sundays, and not to convert that day on which they preached glad tidings into a dull and sombre day of melancholy. Without trespassing longer on the time of the House, he should conclude with an appeal to the good sense and generosity of the country gentlemen—to their confidence in the strength of the convictions they held—to assist him in removing this burden from the shoulders of conscientious objectors to church rates, and to show themselves not behindhand in their efforts to promote the harmony, prosperity, and the civilization of the age.

General THOMPSON seconded the Motion, and said, that by engagement with a highly respectable portion of his constituents he was pleged to support the present Motion. He mentioned this to show that he was not actuated by any hereditary or personal hostility to any of the parties in the contest. On the contrary, from ancient habit and many other ties, his feelings were in favour of the Established Church on all points where the charge of injustice was not to be brought against her. He remembered that the Church had often proved herself the champion of liberty ; and in proof of this he need not go further back than the memorable occasion when the Bishops were the leaders of the popular cause, and were the great instruments in securing to us that comparative peace and happiness which we now enjoyed. It appeared to him that what policy required at this moment, was a measure which should put an end to the heartburnings which arose from what was in fact a very inconsiderable cause, and which it would not be difficult for statesmen who had vanquished in far greater matters to achieve. The Established Church was not so strong as to invite a contest with men as learned, as eloquent, as honest, as popular, and, perhaps, as numerous as her own body. We all knew that the doctrines of the Established Church had been declared in a season of great and general agitation, and that it was not by one hand that her rules and articles had been prepared. There were unmistakable evidences indeed, of great diversities of opinion and doctrines, and hence her contradictory absolutions, her not-to-be-defended-in-all details sacraments, and her purposely enigmatical creeds. All these rendered her weak, and made it policy for her friends to cease from a war which could end in no advantage to the Church. It might be thought the present Bill was a feeler to ascertain the strength of the public interest on the subject; because it made no provision to supply the pecuniary deficiency which would arise from the abolition of church rates. If he were ever called upon to supply the deficiency, he should propose that it should be made up by a land-tax ; because he knew the ardour with which the landed interest would agree to this, on the ground they had so often urged to the Dissenters, that land would be bought for less in consequence.

Motion made, and Question proposed, "That the Bill be now read a second time."

Lord ROBERT CECIL said, that if the hon. Gentleman who had proposed the second reading of the Bill would but extend half the energy he had shown in the cause to the sweeping away of the system of pew rents, he would prove himself a

great benefactor to the people. Without entering into the merits of the Church of England, he would address himself simply to the question of the church rates. The law as regarded church rates, as it had been laid down by the hon. Member, simply amounted to this—that any parish had the power of deciding for itself whether it would or would not impose a church rate. There might, indeed, be theoretical powers of enforcing a parish to raise a church rate; but, practically, every one knew that those powers could not be exercised. If that were the law, where, he asked, was the grievance? Those parishes which sent up so many petitions against church rates were not compelled to subscribe one farthing if they did not please. They might, and did, refuse to contribute to the support of the fabric of the national church; then, why did they interfere with those who were willing to subscribe and say that they should no more be allowed to do so? The hon. Gentleman said that it was hard upon the minority of a parish that they should be forced to subscribe against their will; but that simply involved the question of whether the minority were to carry their views on the subject of taxation in the teeth of the majority. If that were to be admitted, it would seem to impugn the principle on which all government was founded. Many persons altogether objected to war, and, of course, as a consequence, they objected also to contribute money to be expended in war; but would it be held, therefore, because it was a grievance upon those persons, that we should enter upon no war whatever? Any person who maintained such a doctrine would be said to be insane. The objection in the case of church rates was that the majority ought not to have the power of taxing the minority. But even if nine-tenths of the parishes were to object to pay church rates, he did not see that that would be any reason why the other tenth should not be permitted to do so if they wished. But how did the fact really stand with reference to the readiness, or otherwise, of parishes to contribute church rates? When this subject was last discussed the House was under considerable disadvantage in attempting to argue it, because there were then no returns to show how many parishes were really recalcitrant on the subject. That deficiency had now been supplied. The hon. Member for Tavistock objected that the Returns were in some respects fallacious, because they did not include parishes which were not within cities or Parliamentary boroughs; but if the hon. Member looked at the document he would see that it contained an abstract of a return of the names of "all parishes in England and Wales" in which church rates had been refused. So far, therefore, from being confined to parishes within cities and boroughs, it included every parish in the kingdom. He would read to the House the results which he had deduced from that return. In the first place he should observe that the questions had been addressed to the churchwardens, and as they were fallible men—very fallible—it had been found difficult in some cases to extract any meaning from their answers. There were other places in which it had not been necessary to levy a church rate within the last fifteen years; and there were other parishes in which, either from their being newly formed, or from immemorial custom, no church rate had been leviable. 541 parishes must be eliminated from the return as falling under one or other of these heads; 188 parishes in which the repairs of the church were fully provided for from other sources must also be eliminated from the return. There still remained in England 7,327 parishes included in the return, in which the question of church rates had been mooted within the last fifteen years. Of those 6,970 had adhered to church rates, and 357 had resisted them. In other words, more than 95 per cent had paid, and not quite 5 per cent had refused to pay them. That was the state of things in England. In Wales the case was not quite so favourable. In thirty-eight parishes the question had not arisen, and in four there was other provision. Of the remaining 540, 457 had paid, and eighty-three had resisted; the proportion being 17 per cent resisting and 83 per cent paying. In the seven purely agricultural counties of Sussex, Wilts, Somerset, Devon, Hereford, Salop, and Cumberland the number of parishes in which the question had arisen was 1,553, of which 1,501 had paid and thirty-two had resisted; or, in other words, a trifle more than 2 per cent out of the whole number had resisted. In discussion upon this question it was frequently said "that is as far as the disaffection has gone at present, but it is spreading every day." Instead of that being the case, however, he believed that the result of the Return was to show that

in all places where the Church of England had held her sway for a lengthened period church rates had not been resisted ; while in Wales, where a different language was spoken, and in thickly populated towns, where there had been a sudden congestion of population which her means, and, he was sorry to add, in some cases her energies, had not been able to meet, church rates had been refused. These places were so distinctly marked that you could place your hand upon them without difficulty ; you could draw a *cordon sanitaire* round the localities, and indicate exactly the limits beyond which the church rate fever had not extended. His belief was, therefore, that if they would let things remain as they were, and would not object to a law merely because it was an anomaly—when our constitution was full of anomalies—the disease would not spread further than it had already gone ; those parishes which had freed themselves from church rates would remain free, and those which had paid would continue to pay. The hon. Member for Tavistock had suggested that there was something mean in endeavouring to support the church by compulsory rates, and that it should be left to voluntary efforts. The Return before the House, however, showed that in many places where the rates had been refused the voluntary system had been tried, and that it had broken down altogether. In the matter of education even the voluntary system had failed. The hon. Member had truly said, with reference to pew rents, that they kept working-men out of the church, and prevented it becoming a really national church ; but if church rates were abandoned they would be obliged to have recourse to pew rents, and then the preaching of the Gospel would be reduced to a mere commercial matter. He contended that the Church had a claim upon the people from the mere fact of it having been established for ten centuries, and from it being held so fast as it was within the rigours and fetters of the law. People called upon her to do as the Dissenters did, and to adopt the voluntary system ; but they forget that she had been in action for many years, that the whole of the voluntary system as applied to her was out of gear, that it had rusted from disuse, and that there were many advantages possessed by other sects which were not possessed by her, and which rendered it very little likely that she could raise £350,000 a year by the voluntary system. The Established Church laboured under many disadvantages which did not attach to the other religious communions in this country, one of which disadvantages was, that to a great extent she did not appoint her own clergy or bishops. He was not prepared to impugn the arrangement as to their appointment, but the result was a cramping of the voluntary action of her members unknown among the other religious communions. It would therefore be very hard to make the Established Church depend upon voluntary contributions for the maintenance of her edifices. He opposed the Bill because, without any adequate cause, it would disarrange an ancient institution and would be the first blow against the union of Church and State. The severance of that tie would lead to great social demoralization. For the sake, then, of the clergy, the laity, and above all the State, he hoped the House would reject the Bill. The noble Lord concluded by moving that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Sir ARTHUR ELTON avowed that, although he did not approve all the details of the Bill, yet even if there were no other means of getting rid of the animosities excited against the Established Church by the collection of church rates, than by abolishing them without compensation, he should feel bound to support the measure as it stood. It would extinguish a great nuisance, and at the same time confer a great boon on the Church, for church rates were a great obstacle to her advancement. It was a mistake to suppose that the bitterest enemies of the Church were those most opposed to church rates. He remembered having had, not very long since, a conversation with a wealthy Dissenter, who was a very bitter enemy of the Church, in the course of which he said that his ambition was to confiscate the whole of the property of the Church, and divide it among the different sects, graciously adding that he would consent to a portion of the robbed property being given back to the Church. He however said—"I am not at all in favour of abolishing church rates. No, no. They give the Dissenters, who are hostile to the Church, a good handle against her. That's a raw place which we like to rub." He should be very sorry to attribute those sentiments to all Dissenters, because he knew that many of them were actuated by a very different feeling, and at this moment

contributed largely and generously to the sustenance of the fabric of the Church. There was in the city of Bristol a Dissenter, whose noble munificence to the Church surpassed that of many of the wealthy churchmen in that neighbourhood. He did not wish to see church rates entirely abolished without some provision being made by the State towards supporting the fabric of the Church, and therefore suggested that an arrangement resembling that with regard to national education should be made, by which means one-third of the funds necessary for the maintenance of that fabric might be supplied by the State, and two-thirds by the voluntary contributions of the people residing in the district in which the expenditure was needed. He thought the question one on which the churchmen and Dissenters might meet half way; and he trusted they would unite in bridging over the way for a full and perfect reconciliation.

Mr. BALL said, that there was nothing he more heartily desired than to approach this question in the spirit of the hon. Gentleman who had just sat down, believing that it was a question which they ought to discuss in such a spirit of charity and forbearance as would best exemplify the principles of Him who was the Great Teacher of our common religion. He did not know a greater argument in favour of the abolition of church rates than the fact that the subject had created the greatest bitterness towards the Church itself. No one subject had produced more dissatisfaction, or had generated such bad feeling, as this horrible question of church rates. He thought that the man who exhibited the greatest desire for the advancement of the Christian religion was he who laid aside every point of sectarian feeling, and who cogitated upon that which would best conduce to its welfare and general advancement. He believed this to be one of the sources from which had emanated such bitter feeling and hostility towards the Church, and he, therefore, was heartily desirous to relieve the country generally from the obnoxious payment of church rates. He should have supposed, if any valid objections could be brought against the measure of the hon. Baronet, they would have been urged by the noble Lord who moved the Amendment. The noble Lord had had this question for a long period before him, and had, of course, prepared himself with all the objections that could be made against it. He had noted these objections, and would endeavour to reply to them. The noble Lord first of all argued that the minority ought to be bound by the majority, and as the great majority were in favour of the maintenance of church rates, the minority ought to rest contented and be satisfied with their decision. The noble Lord, by way of illustration, said it should be recollected that there were certain persons then opposed to war, and who might, therefore, object to contribute to the cost of it. In his (Mr. Ball's) opinion, if any regard be paid to the opinions of small parties the House should receive their objections, and not insist upon their contributing to the cost of the war against which they had conscientious objections. Let them consider the different position of the small minority who objected to the cost of war from that of the multitude of those who objected to the principle of church rates. The whole nation might be benefited by a war, whereas the Dissenters derived no benefit whatever from the ministrations of a Church, whose fabrics, nevertheless, they were compelled to keep in repair. One would suppose from the manner in which the noble Lord addressed the House, that the Dissenters were a small part of the community—that they were few indeed when compared with the masses of the country—that they were a class of people who took little interest in the education of the masses, and in the conveyance of knowledge generally to the population. When the noble Lord illustrated his argument by comparing the case of the Dissenters to that of the small class who objected to war, he had evidently forgotten that there was between churchmen and Dissenters a very small and narrow space —that the Dissenter treads very nearly on the heels of the churchman, and that the two communities were, after all, very equally divided. The Dissenters had the same common interests as the churchmen; there was no bitterness felt by the former towards the latter, they only wished to unite with them in charging their common enemy. According to the last census, it appeared that the accommodation in places of worship was as follows:—There were 14,077 places of worship belonging to the Establishment, and the sittings inside 5,317,915. The number of dissenting places of worship was 20,300, being 5,000 more than those of the Established Church. The accommodation afforded inside was to the extent of 4,894,648, so that they were able to accommodate nearly 5,000,000 of people

inside. These figures did not include the Roman Catholic places of worship; and if you added them to those of the Dissenters, the accommodation afforded by the Church was not greater, and probably not so great as those afforded by the other religious communities. The noble Lord made another objection: he said, there were very few parishes that had objected to the payment of the rates, and those few were so small, compared with those who concurred in them, that they did not deserve the attention of the House. Now that, he (Mr. Ball) considered an unfair argument. Did the noble Lord know that there were many parishes in which the Dissenters merely assented to the principle from an unwillingness to excite any religious strife or animosity amongst their neighbours? His own parish was an illustration of that fact. More than twenty years ago a parochial meeting was held there to get rid of those church rates. He attended that meeting, with a body of other Dissenters, and said that he could not lend his influence in any way that would be likely to produce a hostile feeling in the parish, and that he would willingly pay the rate so long as the law recognized it, in order to promote good will and kindly feeling amongst all classes. The mass of Dissenters in the parish shared with him in that feeling, and hence there was no agitation in that parish against church rates. Was it, then, becoming the noble Lord, because they wanted to promote kindly feeling amongst their neighbours, to make their non-resistance to the principle an argument for continuing the impost? That, he (Mr. Ball) considered, was a most unfair return for their patience. He was surprised that any one who put himself forward to move an Amendment to the proposition of the hon. Baronet should show such poverty of argument to support his views. The reasons urged by the noble Lord against the abolition of church rates rather tended to confirm him (Mr. Ball) in the propriety of getting rid of them, in order to secure the general harmony and the common welfare of our common country. The noble Lord said that if church rates were abolished the Church would be unable to raise by means of voluntary contributions the £350,000 that would be necessary to maintain the fabrics in repair. Surely, when they considered that the Church of England was the representative of the great wealth of the country, and of almost the whole of the aristocracy, it could never be supposed that they would be unable to raise £350,000, or even ten times that amount if necessary, for the support of her edifices. He for one did not believe such an assertion, and he thought that the members of the Church generally would repudiate it. At any rate, a wealthy Church ought not to call upon the Dissenters who, generally speaking, are a much poorer class, to support the fabrics of the Church of England. In the parishes where the church rates were already abolished there was no difficulty in providing the necessary means for the repair of the church from voluntary contributions. The Dissenters themselves came willingly forward with their subscriptions. That class of people said that they did not wish the churches to be destroyed, but, on the contrary, they wished to preserve them as monuments of our forefathers' piety, within which they desired to worship if the system therein observed could only harmonise with their principles. If he were even a sound churchman he would be equally anxious to get rid of church rates, which he looked upon as the cause of much animosity and heartburning amongst Christian communities. He had now disposed of all the arguments of the noble Lord against the Bill, and they certainly were so very weak that he regretted he had not been afforded the pleasure of disposing of more of such feeble material. In conclusion, he sincerely hoped that Churchmen and Dissenters would cordially unite, in the spirit of their Great Master, in putting an end to church rates, which were a great injustice and a source of the bitterest animosity between large masses of the population.

MR. DRUMMOND said, the hon. Gentleman who had just sat down had talked of those who were attached to ecclesiastical establishments uniting with those who were in favour of the voluntary system; but how was it possible for men, influenced by two such antagonistic principles, to unite? They must have either the one or the other. An attempt to combine them would be like trying to make a good fire by heaping on it logs of ice. The hon. Gentleman behind him (Sir A. Elton) said he would very gladly support the second reading of the Bill, because, although he did not entirely approve it, it was in such a shape as to permit of its being amended in Committee to his taste; but, unfortunately, there was no room for amendment in Committee. The Bill consisted simply of one little clause of a line and a half, which simply said that church

rates should be abolished. [Sir J. TRELAWNY: No, no; read the Bill.] He would read it. First, there was Clause 1, which was in these words: "From and after the passing of this Act, no church rate shall be made or levied in any parish in England or Wales." [Sir J. TRELAWNY: Go on!] Go on! Why, the second clause had nothing at all to do with the matter. It merely provided that where church rates had been already mortgaged, the mortgagees should not be cheated,—that was all. The House should remember that this was the only rate levied in this country to which people were permitted to make any objection. With respect to poor rates, lighting rates, paving rates, police rates, gaol rates, lunatic asylum rates, the ratepayers had nothing to do but pay them. They had no choice in the matter. If the magistrates, or others charged with making these rates, did not make them, they could be compelled to do so. That was the way in which every other rate in the country was levied; and it was incumbent on those who opposed church rates to show in what way the church rate differed from every other. He supposed they would tell him that the decision of the House of Lords, in the Braintree case, determined that they were different. He did not believe that the history of England could produce a decision more scandalous, more contrary to all law and equity, than the decision in that case. That case, he regretted to say, would accomplish the ruin of the Established Church. It would have been somewhat more manly in the opponents of the Church to bring forward a proposition to do away with her at once—to remove at once the Bishops from the House of Lords, and to get rid of tithes and all the rest of things belonging to her, instead of coming in this petty-larcenous, sneaking way to work her ruin. Talk about conscience in the matter! Conscience indeed! If we had an Established Church at all, we must support the buildings as national property, exactly upon the same ground as we support the Houses of Parliament, the Royal Palaces, the British Museum, and all other similar buildings. If we withdrew national support from these buildings, why, then we might talk of bringing in the voluntary principle with regard to the Church. Every country in the world that had an Established Church gave national support to the fabric thereof. How inconsistent it was in those Gentlemen who professed to encourage, and even to have created, a love of the fine arts among the population of this country, to give their support to this Bill, which would cause the destruction of those magnificent architectural edifices for which England was pre-eminently distinguished. The arguments of the supporters of this Bill would tell as much against the monarchy as against church rates. By and by we should hear of hon. Gentlemen getting up in that House to relieve "a conscientious minority" from the burden of supporting the Throne, and the other institutions of the country. All these "conscientious objections" were always connected with the pocket some how or other. You never heard anything about them except when there was something tangible—*quelque chose de positif*—something more than a mere principle or a theory, but which the objectors tried to keep in the background. The Bill tended to destroy the Church of England, and on that ground he opposed it.

LORD STANLEY said, the hon. Member who spoke last maintained an argument which, whatever might be its abstract value, appeared to him somewhat unfortunate in relation to the present condition of the Church of England. He said that the principle of an Established Church and the voluntary principle were utterly incompatible with, and opposed to, one another. Now, he had always heard from the warmest friends of the Established Church that whatever might have been the case in former days, in their day, in order to carry out those plans of Church extension, which he knew no man desired more to carry out than his noble Friend who moved the Amendment, they must rely exclusively upon that voluntary principle which was now so loudly condemned. Now, as that principle had certainly not failed with regard to the extension of the Church, especially in the Colonies, he (Lord Stanley) believed it would prove equally efficacious with regard to the maintenance of the Church fabric at home. Well, then, his noble Friend who moved the Amendment (Lord R. Cecil) asked what, since the decision in the Braintree case, was the hardship of church rates? Now, he would not go out of his way to defend the Judges of the land, and inquire, as had been done, whether that was an iniquitous decision or not. He took the decision as an established fact. But his noble Friend asked how, since that decision, there could be any grievance to men's consciences, seeing that it was only

a local question between the majority and the minority in each place. He thought his noble Friend was inclined to push the rights of a majority further than they had ever been pushed before by the most strenuous advocates of popular opinions. He never before heard it laid down so broadly that a majority could do no wrong. The arguments of the noble Lord undoubtedly applied where the majority was to tax the whole for purposes which were calculated for the benefit of the whole; but that was altogether inapplicable to church rates, which were levied on the whole for the benefit only of a portion of the population. When an hon. Member charged with inconsistency those who were opposed to church rates, but who supported a rate for educational purposes, his answer was, that, with regard to the benefits of elementary instruction, they believed that no difference of opinion would exist; but with regard to modes and forms of worship, unhappily, a very wide difference of opinion existed. That was the distinction between the two cases,—and it was a distinction which seemed to him impossible to overlook. Then his noble Friend descanted on the difficulty of obtaining money for religious and charitable purposes. He asked, did they suppose it possible that they could obtain £350,000 from private subscriptions? Now, he thought that in that argument of his noble Friend there was a little confusion of language. If he meant that it was impossible to obtain for the services of the Church, or for any purpose whatever, an additional sum of £350,000, besides what was now levied, he quite agreed with him; but there was no question of that kind. The question was, whether a sum of £350,000, being levied under some real or supposed sanction of law at present, the same sum would be equally contributed when it was left optional to each man whether he contributed or not. But it was not so much for the purpose of replying to these arguments of his noble Friend that he had risen, as to notice one or two facts in this case which had not been dwelt upon. His noble Friend cited a Return, and drew a contrast between the large number of parishes in which a rate had not been refused, and the very small number in which a rate had been refused. But there was one element in that calculation which he did not take into account. His Return included only the parishes in which rates had been refused. Now, a refusal must be preceded by a demand, and his noble Friend passed over the large and yearly increasing number of parishes in which no rate was asked, because it was known that it would not be granted or because a wish existed to preserve peace,—and in which, consequently, the rate could not be refused. That simple fact did away, in his mind, with the effect of his noble Friend's calculation. He was not aware that they had an accurate statement of the sums raised by church rates now, in comparison with former years; but one that he had seen might, he believed, be relied on. They all knew that in the last twenty-five or thirty years the wealth of the country had greatly increased, and that even proportionally to that increase of wealth, the zeal and liberality of the people in regard to church building and church repairs was far greater in the present than it was in the last generation. He supposed it was a fact which would not be disputed, that the sum now laid out for ecclesiastical purposes every year was far greater than it was twenty or thirty years ago. But what was the amount obtained from church rates as compared with what was obtained thirty years ago? One statement that he had seen, made the proportion now, to what it was in 1837, as three to five; and another statement, showing what it was in 1832, as compared with 1857, made the proportion two in 1857, to three in 1832. So that, coincidently with a large increase in the total sum laid out for ecclesiastical purposes, there had been a large decrease in the sum obtained from church rates. Surely the inference was obvious—that the reliance on church rates had been continually decreasing, and that they were tending more and more every day in the direction of that voluntary system which the hon. Member (Mr. Drummond) said was incompatible with the existence of an established Church. But there were parts of this case which were not to be found in Parliamentary Returns. There was a large number of parishes in which were levied what were called voluntary rates; rates, that was to say, collected by the ordinary machinery, but on the understanding that no steps were to be taken to enforce payment if it were refused. He spoke within the knowledge of many hon. Members when he said that these optional church rates—which in reality were subscriptions, and nothing

else—were very numerous, and were collected in many parishes which were included in the Parliamentary return as parishes in which church rates had not been refused. He need not say that a rate levied on such an understanding as this would be invalid in a court of law. But even where rates were regularly collected, he had heard lawyers of eminence say, that if they could analyse every church rate they would find a clear majority illegal, on account of the items they contained—items which, in many instances, had nothing to do with church repairs or the carrying on of public worship. Well, then, taking those four classes of parishes—first, that class, which was not very numerous, in which church rates had been refused; secondly, that larger class in which no rate had been refused, simply because it had never been asked for; thirdly, that class in which rates had been levied upon a voluntary understanding that no one would be compelled to pay them; and, fourthly, that class of parishes in which rates were levied and paid without dispute with the full knowledge of their illegality, which rates, therefore, became nothing more than a voluntary contribution; and, putting them together, there would be found a very large proportion of parishes, both agricultural and urban, in which, either openly or covertly, the voluntary system had been introduced. And it must be borne in mind that these parishes were generally the most populous and important, while it was in the smallest that rates were collected by compulsory means. Well, then, he might, perhaps, be told that, if that were the case—if year by year the voluntary system was becoming more and more substituted for the system of rates, there was no present grievance, and he might be asked what need at present was there for legislation? He would not dwell upon the question of the expense incurred by litigation, because upon that subject there could be but one opinion; but this he could say, that he believed that it was an acknowledged fact that within the last few years the animosity which had formerly existed between the great body of Nonconformists and the Established Church had greatly subsided; and that being the case, surely the policy of the Established Church ought to be a policy of conciliation. Now, what was the practice at present? Why, in any parish where Nonconformists were weak or were amicably disposed, a tax was put upon them; whereas, wherever they were strong or hostilely disposed they escaped that impost. Now, he did not hesitate to say, as a matter of policy, that such a proceeding could not tend to strengthen the Established Church. With regard to the position of the clergy, he himself had often heard from persons practically conversant with the subject, that when attempts had been made by clergymen to dispense with a rate and to rely upon the voluntary system, they had been met with the reply—"Why do you come and ask us for a subscription when you have the legal means of obtaining what you want?" So that the power of levying the rate was made the excuse for refusing a subscription. He would for a moment glance at the various attempts which had been made to effect a compromise upon this subject. Some years back a proposition had been very fully discussed in that House, which was, that all persons who did not belong to the Established Church should be exempt from paying rates. Now, he confessed that that proposal did not appear to him to be unreasonable or unfair; he had given it, at the time, his best support; but it was objected to by Gentlemen on both sides of the House because it was said it would have the effect of drawing a social line of demarcation between members of different religious bodies, and on that ground mainly it was thrown out. Another proposition had been, that a rate should be levied for the maintenance of the fabric of the Church alone, and that no part of it should go toward defraying the expense of carrying on the ordinary worship. That plan had satisfied no one. It rested on an assumption historically untrue—namely, that the Church was, as regarded these buildings, in the position of a tenant, and the State in that of a landlord: a theory for which there was no foundation, and which if admitted would fail to make out the case desired, since a tenant paying no rent would be at least bound to keep the buildings which he occupied in repair. And, practically, such a compromise could not prevent dispute in any place where it now arose. A third proposal had been made by no less distinguished a person than the Primate of England for the settlement of the controversy, and that proposal went the full length of abolishing church rates; but it was accompanied by a somewhat curious provision, which was, that in every

parish where church rates were abolished there must have previously been a certain amount of agitation, indicated by a refusal of the rate. Now, to the principle of that Bill he agreed, but he certainly objected to the provision that there was to be no abolition of the rates without that preliminary step. He confessed that it appeared to him that none of those proposals for a compromise met with the approbation of the House, for one by one they had been discussed, and one by one rejected. The present state of the law stood equally condemned. He was quite sure that there was no class of persons who were more eager for an alteration of the present law than a large number of the country clergy; and that being the case, the present law being untenable, and all attempts at compromise having been unsuccessful, he felt that he had no other option than to support the Bill.

SIR GEORGE GREY said, that he felt considerable difficulty in approaching the consideration of the subject, because while upon the one hand he could not agree with his hon. Friend who had moved the Second Reading of the Bill (Sir J. Trelawny) in the opinion that church rates should be totally abolished, on the other hand he was by no means satisfied with the arguments which had been used by the noble Lord who proposed the Amendment (Lord R. Cecil) in order to induce the House to reject the Bill. Perhaps the House would remember that two years ago, when Sir William Clay was a Member of that House, he proposed a similar Bill to that before the House for the abolition of church rates, and that he (Sir George Grey) had supported the Second Reading of the Bill, at the same time pledging himself to propose certain Amendments in Committee, which would convert the Bill into one, not for the total, but for the partial abolition of church rates. Subsequent consideration had confirmed him in the propriety of the view which he had then taken, and he had been strengthened in his opinion that the course which he then recommended was the correct one to adopt by a careful analysis of the returns which had since that period been presented to the House. Although the returns were not very clear, yet he believed that the result which they disclosed was that out of all the parishes included in the returns, speaking in round numbers, about 90 per cent paid church rates, and 10 per cent did not pay them, either because they refused to do so, or because they had not been asked. There was, however, one important consideration which had not as yet been adverted to, and that was that it was not the number only of those parishes which had refused to pay church rates, or which had not been asked to do so, which was to be looked to, but it was also the amount of the population of those parishes. This appeared to him to be of great importance. If a comparison were made between the population of those parishes where the church rates were paid, which in number amounted to 90 per cent of the whole, and the population of those parishes where a rate had been refused or not asked for, it would be found that the population of the latter amounted to about 6,000,000, out of 13,500,000 the aggregate population, or about 40 per cent of the whole population. It was easy also to see how differently the present law operated in country parishes and in town parishes. If any hon. Gentleman would look to the returns of those parishes which had refused to levy church rates, and would stop at almost every large city or town, such as Manchester, Leeds, Liverpool, Blackburn, and others of the same size, he would perceive that almost all those places had refused a rate; while, on the other hand, in the great majority of country parishes, where Dissenters perhaps were not so numerous, church rates were made and levied without opposition. Well, then, that being the case, he thought that it would be acting in an unfair manner to the Established Church to say that because cities and large towns had practically abolished church rates therefore none should be levied in the country. To prevent the vestries of any parish levying a rate, however willing and desirous they might be of doing so, and however willing and desirous the ratepayers might be that such a rate should be levied, would be unjust and arbitrary. He thought, therefore, that Parliament should not interfere to prevent the rate being made in those parishes in which there was a desire that it should be made and applied to the maintenance of the fabric of the church. He could not agree with the hon. Member for West Surrey (Mr. Drummond) in thinking that a church rate stood upon the same footing as those other rates which he had enumerated. The hon. Gentleman had himself said that in regard to those other rates there existed a power in some authority or another to require that they should be levied, but it was that very fact which constituted

the difference between those rates and church rates; because they had the authoritative decision of the highest court of judicature in the land in the case to which the hon. Gentleman had referred—and he felt disposed to speak of that decision with more respect than the hon. Gentleman had done—that the imposition of church rates was a voluntary act—that the majority of the vestry might impose them or not as they thought fit. That there was a common law obligation to impose them was true, but there were no means of enforcing the fulfilment of that obligation. A majority of the vestry might, therefore, practically refuse to make a rate, and if they did so it could not be imposed. There existed no legal power by which a vestry could be compelled to make a rate; and that being the existing state of the law, it was perfectly competent to any vestry to exercise the power of refusing to impose a rate. The noble Lord who had just sat down (Lord Stanley) had certainly not held out much encouragement to a compromise; and he agreed with the noble Lord that it was a difficult task to propose a compromise; but, taking into consideration the present state of the law, and believing that the total abolition of church rates would be an arbitrary and unjust act as regarded the Established Church, he had suggested in 1856 a course which he still thought it might be desirable to adopt. The noble Lord had stated that he believed a great portion of the clergy were anxious for an alteration of the existing law, and in that opinion he quite agreed with the noble Lord, but they were not anxious for the total abolition of the rate. He, as well as some of his Colleagues, had received innumerable suggestions from gentlemen in different parts of the country, complaining of the existing state of the law, and suggesting amendments of it, but there was one radical defect in those suggestions—namely, that they all contemplated a modified system of church rates throughout the whole country. Now, it was necessary to recognize as an accomplished fact the abolition of church rates, where, practically speaking they had been abolished, and any attempt to revive them in those places where by common consent they had been done away with, and other means substituted for maintaining the fabric of the church, would only revive dissensions that had ceased, and would be attended with most mischievous results. In those large cities and towns other means had been substituted for defraying the expenses which were formerly provided for by church rates; so that there, practically, church rates were not required. Church rates, again, only applied to the parish church. Now, in most of those large towns where the population had greatly increased district churches had sprung up in large numbers, and, there being no power to enable them to participate in any church rate, provision had been made by voluntary contribution as a substitute, and he believed that those objects for which the rate was applicable in a parish church had been as well provided for in the district churches by other means. In large towns it was easy to raise money from a congregation by voluntary contribution, aided by what might arise from pew rents or endowments. At the same time, to maintain the fabric of the church it required greater means than could, perhaps, voluntarily be raised in many country parishes. What he had ventured to suggest in 1856, and what he would suggest again now, was that the House, in legislating upon the subject, should recognize the abolition of church rates in those parishes where practically they were already abolished, but that they should not deprive the vestries of other parishes of the power of making a rate where they were willing to do so; but at the same time, with a view of relieving the consciences of individuals, that no one who differed from the Established Church should, upon making a declaration to that effect, be compelled to pay the rate. He further proposed that, towards raising a fund for purposes to which church rates are applicable, power should be given to the churchwardens or to the vestry, subject to the approval of the ordinary, to place a rent upon a certain proportion of the sittings. ["No, no!"] He knew that a great objection was felt by some persons to pew rents; but, by the law as it at present stood, in a large number of churches throughout the country pew rents were levied, and he did not think that it would be objectionable to give such a power generally to a limited extent, and subject to the control which he had proposed. He also proposed that power should be given to landowners to create a rent charge on their estates for the same purposes to a limited amount. Those were the heads of compromise which he had suggested in 1856; and as Sir William Clay had expressed himself satisfied with them, and would have agreed to his Amendments in

Committee, he had supported the second reading of the Bill introduced by that hon. Baronet, with the intention of moving those Amendments in Committee. The hon. Member for West Surrey on that occasion objected to the course taken, and said that those Amendments would so entirely alter the character of the Bill that, instead of being proposed as Amendments, it would be better to propose them in a distinct Bill. Now, he admitted the force of that observation, and as he had not received the same assurance from the hon. Baronet which he did receive from Sir William Clay, he should be disposed to vote against the present Bill, and if it were rejected he would be prepared to introduce a Bill founded upon the suggestions which he had made in 1856.

MR. BERESFORD HOPE said, that after having attended carefully to the discussion, he had observed that no two persons who had spoken had viewed the question from the same aspect, and that those who supported the measure were those who had brought forward the strongest arguments against it, while it had been most ably supported by its opponents. This question seemed to him most nearly to carry out the fable of the gold and silver shield, so very different were the aspects in which it might be regarded. On the one side was the prescription of ancient law, and the amount of 95 per cent in number of the parishes; on the other, the fact that church rates were virtually extinct in most of the large centres of population, and that in about 6,000,000 of population in twelve parishes they were no longer levied, against 7,000,000 in which they were. During the first part of the speech of the right hon. Gentleman who had last sat down he thought that he should be able to agree with him better than with any one else who had spoken, but then at the end of the speech of the right hon. Gentleman came the sting—namely, his recognition of that objectionable principle which he had thought all would have agreed in looking upon as irreconcilable with the first principle of Christianity, which made the church the church of the poor man—he meant the imposition of pew-rents. They had heard that without legislation the system of compulsory church rates was in effect gradually being superseded by that of voluntary contributions. Well, then, if that were so, why not let the question settle itself? Why attempt to legislate at all, and thus subject the country to periodical agitation? Above all things he hoped that the Church would not degrade itself by accepting the compromise offered in the shape of a fabric-rate. He could not conceive how Churchmen could so far forget their principles as to ask Dissenters to pay a rate for the support of a building whose value consisted in its being a place of specific worship—on the score merely of its being a fabric, a quality it had in common with the Marble Arch or any other structure. This plan was hinted at by his hon. Friend the Member for Bath, and strongly enforced by the hon. Member for Surrey, and he was therefore compelled to protest against it. If it were adopted it would result in all earnestness and liberty of faith falling under the yoke of the State, which would crush those edifices, lend them out to the denomination it favoured, and oppress those it disliked, by refusing their use. Such was now the state of matters in various parts of the Continent, and we were bound to take warning by the example.

MR. GARNETT said, he had been a churchwarden, and could speak to the unpleasant duty cast upon churchwardens of having to seize the goods of dissenters for church rates. He believed that the abolition of this twopenny-halfpenny rate would establish the Church of England on a foundation on which she had not stood for a hundred years. He cordially supported the Motion.

THE CHANCELLOR OF THE EXCHEQUER: Seeing the natural impatience of the House to come to a division upon this subject, I only rise for a very few minutes in order to make one remark upon this question. The suggestion of my right hon. Friend (Sir G. Grey) is not a mere compromise of an ordinary nature, endeavouring to cut off a certain portion of the extreme, and to attempt to satisfy a portion of the community, but it would, I believe, bring about a practical solution of the question. As my right hon. Friend has explained to the House, there are two classes of parishes to deal with, and the circumstances of those two classes are entirely different. In large town parishes no church rates have been imposed for a number of years, a fund has been substituted to supply the place of church rates, and those parishes have practically acquiesced in the abolition of the rates. To attempt to force upon those parishes a revival of the system of church rates would be to revive strife and to create disturbance; and

therefore what my right hon. Friend proposes is, with regard to that class of parishes where the question is practically settled, to recognize the practice which exists, and to say that where church rates have not been levied for a certain number of years there shall be no power to impose them in future. Then there is another large class of parishes in which church rates are regularly paid, in which there is no desire to abolish them, and in which there is no facility for acquiring means for maintaining the fabric of the Church in the event of the abolition of church rates. My right hon. Friend proposes that the power of these parishes to make church rates should not be taken away. But, then, this objection arises, that even in these parishes discord may occur from a minority of Dissenters going into the vestry and opposing the making of a rate. The objection entertained to church rates, be it observed, is a conscientious, not an economical objection; and therefore a provision will be introduced allowing any person who has a conscientious objection to the payment of them, upon a declaration that he is not a member of the Established Church, to have his name expunged from the rate, and to be exempted from the impost. Now, it is remarkable that those on whom the burden of church rates really falls, the class of landlords—because in effect the church rate is a reduction in rent—are persons who are willing to continue the present system in the rural parishes. If Parliament were to abolish church rates by a compulsory process, the gain would accrue, not to the ratepayer, but to the landlord, on whom the burden ultimately falls, it being in fact a deduction from the rent, which is a matter of agreement between the landlord and tenant. The persons on whom the tax really falls do not, however, object to its continuance; the objection proceeds from those who oppose it on conscientious grounds, and the plan proposed by my right hon. Friend would entirely obviate that class of objections. Therefore I think the House will see, on looking into the question, that this is not a mere compromise, but is, in fact, a practical solution of all existing difficulties.

MR. SLANEY said, he had come down to the House with the intention of giving his support to the Bill of the hon. Baronet, and should have done so had not the Government pledged itself to bring forward a measure of its own upon the subject. That measure, as explained by the Home Secretary, was, in his opinion, infinitely preferable to the one before the House, inasmuch as it would at once meet all conscientious objections, and at the same time provide a fund for the maintenance of the fabric of the Church.

SIR J. S. TRELAWNY: I shall occupy the attention of the House for but a very few moments, with one or two observations in reply. I must say it appears to me, from the course taken by her Majesty's Ministers in reference to this obnoxious tax, that they seem as if (to use a familiar illustration) they were dancing the tight rope between opposite difficulties. Their proposal is, in fact, nothing more than a temporary stop-gap, and is equally unwise and unstatesmanlike. Why, they would act with infinitely more judgment if they brought in a Bill simply to define what are the objects of a church rate. That of itself would be sufficient to get rid of a considerable portion of the grievances at present complained of. With regard to the observations of the hon. Member for West Surrey, that it is no grievance for a minority to be compelled to pay a rate made by a majority, if the hon. Gentleman really thinks so, why does he not, being in a minority, bow to the decision of the House of Lords? The hon. Gentleman is the great Anarch. He said that the decision of the House of Lords was "scandalous." I can only say that I feel scandalized by that remark of the hon. Gentleman. Now I beg to call the attention of the right hon. Gentleman opposite to two returns which I hold in my hands relating to the parishes of Streatham in Surrey, and Sydenham in Kent, and in which there are many items of expenditure charged to the church rate which I am confident cannot be supported in the Ecclesiastical Courts. The truth is, that in these cases the estimates are always made by a tyrannical majority; and when they do not know what else to put a charge upon, they put it upon the church rate; otherwise, how are we to account for such items as a ratcatcher's bill, and a bill for killing foxes, being paid out of a church rate? Yes, in one case I find a bill for killing foxes. Now the killing of foxes is bad enough, but to place the charge upon the church rate were a double desecration. I have only to say that I consider my Bill infinitely superior to that of which the Government has given notice, as it would settle the public mind on this much agitated question.

Question put, "That the word 'now,' stand part of the Question."

The House *divided*:—Ayes 214; Noes 160: Majority 54.

List of the AYES.

Adair, H. E.
Agnew, Sir A.
Alcock, T.
Antrobus, E.
Ayrton, A. S.
Bagshaw, R. J.
Bagwell, J.
Baines, rt. hon. M. T.
Ball, E.
Baring, T. G.
Barnard, T.
Baxter, W. E.
Berkeley, hon. H. F.
Berkeley, F. W. F.
Bethell, Sir R.
Biddulph, R. M.
Biggs, J.
Black, A.
Bland, L. H.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Bowyer, G.
Brady, J.
Bright, J.
Briscoe, J. I.
Brocklehurst, J.
Bruce, Lord E.
Bulkeley, Sir R.
Butler, C. S.
Buxton, C.
Byng, Hon. G.
Caird, J.
Calcutt, F. M.
Campbell, R. J. R.
Cardwell, rt. hon. E.
Cavendish, W. G.
Cheetham, J.
Clay, J.
Clifford, C. C.
Clifford, H. M.
Clive, G.
Codrington, Gen.
Cogan, W. H. F.
Collier, R. P.
Coningham, L. F.
Cowper, rt. hon. W. F.
Coote, Sir C. H.
Copeland, W. T.
Cowan, C.
Craufurd, E. H. J.
Crook, J.
Crossley, F.
Davey, R.
Davie, Sir H. R. F.
Deasy, R.
Dent, J. D.
De Vere, S. E.
Devereux, J. T.
Dillwyn, L. L.
Dodson, J. G.
Duff, M. E. G.
Duke, Sir J.
Dunbar, Sir W.
Duncan, Visct.
Dundas, F.
Dunlop, A. M.
Dutton, hon. R. H.
Ellice, E.
Elliot, hon. J. E.
Elton, Sir A. H.
Esmonde, J.
Evans, Sir De L.
Evans, T. W.
Ewart, W.
Ewart, J. C.
Ewing, H. E. C.
Fagan, W.
Fenwick, H.
Finlay, A. S.
FitzGerald, W. R. S.
Fitzwilliam, hon. C. W.
Foley, J. H.
Foley, H. J. W.
Forster, C.
Foster, W. O.
Fortescue, hon. F. D.
Fox, W. J.
Freestun, Col.
Garnett, W. J.
Gifford, Earl of
Gilpin, C.
Goderich, Visct.
Greene, J.
Greer, S. M'C.
Gregory, W. H.
Gregson, S.
Grenfell, C. P.
Grenfell, C. W.
Greville, Col. F.
Grey, R. W.
Grosvenor, Earl
Gurney, S.
Hadfield, G.
Hamilton, Capt.
Hanbury, R.
Hankey, T.
Hanmer, Sir J.
Hardcastle, J. A.
Harris, J. D.
Hartington, Marquess of
Hatchell, J.
Headlam, T. E.
Henchey, D. O'Connor
Hodgson, K. D.
Holland, E.
Howard, hon. C. W. G.
Hutt, W.
Ingham, R.
Ingram, H.
Jackson, W.
Jervoise, Sir J. C.
Kershaw, J.
King, hon. P. J. L.
Kinglake, A. W.
Kinglake, J. A.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Knatchbull-Hugessen, E
Langston, J. H.
Langton, H. G.
Laslett, W.
Levinge, Sir R.
Lyndsay, W. S.
Locke, J.
Locke, John
Luce, T.
M'Mahon, P.
Maguire, J. F.
Marjoribanks, D. C.
Marshall, W.
Martin, C. W.
Martin, P. W.
Martin, J.
Massey, W. N.
Melgund, Visct.
Mellor, J.
Mills, T.
Mitchell, T. A.
Moffatt, G.
Morris, D.
Napier, Sir C.
Nicoll, D.
Norris, J. T.
North, F.
Ogilvy, Sir J.
Paget, Lord C.
Pease, H.
Pechell, Sir G. B.
Perry, Sir T. E.
Philips, R. N.
Pigott, F.
Pilkington, J.
Portman, hon. W. H. B.
Pryse, E. L.
Raynham, Visct.
Rebow, J. G.
Ricardo, O.
Ridley, G.
Robartes, T. J. A.
Roebuck, J. A.
Roupell, W.
Russell, H.
Russell, A.
Scholefield, W.
Scrope, G. P.
Shafto, R. D.
Shelley, Sir J. V.
Sibthorp, Major
Smith, J. B.
Smith, A.
Smith, Sir F.
Stanley, Lord
Steel, J.
Stuart, Lord J.
Stuart, Col.
Sullivan, M.
Sykes, Col. W. H.
Tancred, H. W.
Taylor, S. W.
Thornely, T.
Thornhill, W. P.
Tite, W.
Tomline, G.
Townsend, J.
Turner, J. A.
Vane, Lord H.
Verney, Sir H.
Vivian, H. H.
Vivian, hon. J. C. W.
Walter, J.
Weguelin, T. M.
Western, S.
Whatman, J.
Whitbread, S.
Willcox, B. M'G.
Williams, M.
Williams, W.
Willyams, E. W. B.
Woods, H.
Worsley, Lord
Wyld, J.
Wyvill, M.
Young, A. W.

TELLERS.

Thompson, Gen.
Trelawny, Sir J. S.

List of the NOES.

Adderley, C. B.
Akroyd, E.
Baillie, H. J.
Baring, H. B.
Bernard, T. T.
Barrow, W. H.
Beach, W. W. B.
Bective, Earl of
Beecroft, G. S.
Bennet, P.
Bentinck, G. W. P.
Blackburn, P.
Boyd, J.
Bramley-Moore, J.
Bramstone, T. W.
Bridges, Sir B. W.
Browne, Lord J. T.
Bruce, Major C.
Buller, J. W.
Buxton, Sir E. N.
Calcraft, J. H.
Carnac, Sir J. R.
Child, S.
Clark, J. J.
Clinton, Lord R.
Close, M. C.
Cobbold, J. C.
Cole, hon. H. A.
Collins, T.
Deedes, W.
Disraeli, rt. hon. B.
Dobbs, W. C.
Drummond, H.
Du Cane, C.
Duncombe, hon. A.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Egerton, W. T.
Elphinstone, Sir J.
Emlyn, Visct.
Farnham, E. B.
Farquhar Sir M.
Fellowes, E.
Forster, Sir G.
Gallwey, Sir W. P.
Gard, R.
Gilpin, Col.
Gladstone, rt. hon. W.
Goddard, A. L.
Graham, rt. hon. Sir J.
Greaves, E.

Greenwood, J.
Gray, Capt.
Grey, rt. hon. Sir G.
Griffith, C. D.
Grogan, E.
Gurney, J. H.
Haddo, Lord
Hamilton, G. A.
Hardy, G.
Hassard, M.
Hayter, rt. hon. W. G.
Heathcote, Sir W.
Heneage, G. F.
Henley, rt. hon. J. W.
Henniker, Lord
Herbert, Col.
Hodgson, W. N.
Holford, R. S.
Hope, A. J. B.
Hopwood, J. T.
Hotham, Lord
Hudson, G.
Hughes, W. B.
Hume, W. F.
Hunt, G. W.
Ingestre, Visct.
Jermyn, Earl
Johnstone, hon. H. B.
Johnstone, J. J. H.
Jolliffe, Sir W. G. H.
Jolliffe, H. H.
Kendall, N.
King, J. K.
King, E. B.
Knatchbull, W. F.
Langton, W. G.
Legh, G. C.
Lennox, Lord A. F.
Lennox, Lord H. G.
Lewis, rt. hon. Sir G. C.
Lincoln, Earl of
Lisburne, Earl of
Lockhart, A. E.
Lovaine, Lord
Macartney, G.
Macaulay, K.
Mackie, J.
Malins, R.
Manners, Lord J.
March, Earl of
Maxwell, hon. Col.
Miles, W.
Miller, T. J.
Miller, S. B.
Mills, A.
Moody, C. A.
Morgan, O.
Mowbray, J. R.
Naas, Lord
Napier, rt. hon. J.
Newdegate, C. N.
Newport, Visct.
North, Col.
Pakington, rt. hn. Sir J.
Palmer, R.
Patten, Col. W.
Pevensey, Visct.
Philipps, J. H.
Powell, F. S.
Pugh, D.
Puller, C. W.
Repton, G. W. J.
Rushout, G.
Russell, Lord J.
Rust, J.
Sclater-Booth, G.
Scott, Major
Seymour, H. K.
Slaney, R. A.
Smollett, A.
Spooner, R.
Stanhope, J. B.
Stewart, Sir M. R. S.
Sturt, H. G.
Sturt, N.
Trefusis, hon. C. H. R.
Vance, J.
Vansittart, G. H.
Vansittart, W.
Verner, Sir W.
Waddington, H. S.
Walcott, Admiral
Walpole, rt. hon. S. H.
Walsh, Sir J.
Warre, J. A.
Warren, S.
Westhead, J. P. B.
Whiteside, J.
Whitmore, H.
Wigram, L. T.
Williams, Sir W. F.
Wilson, A.
Woodd, B. T.
Wyndham, Gen.
Wyndham, W.
Wynn, Colonel
Wynne, rt. hon. J. A.
Wynne, W. W. E.

TELLERS.

Cecil, Lord
Packe, C. W.

Main Question put, and *agreed to:* Bill read 2°, and *committed* for *Wednesday*, 3rd March.

House adjourned at half-after Five o'clock.

HOUSE OF LORDS,

Thursday, February 18, 1858.

MINUTES.] TOOK THE OATHS—James Earl Fife in Ireland, having been created Baron Skene of the United Kingdom.

PUBLIC BILL.—1ª Districts Courts of Bankruptcy Abolition.

EMBODIED MILITIA.

THE EARL OF CARNARVON said, that in moving that an humble Address be presented to Her Majesty for Returns of the Establishment of Militia Regiments now embodied and their actual Strength on the 1st of January, it appeared to him that this might be a good opportunity of calling the attention of the noble Lord opposite (Lord Panmure) to a subject connected with these Returns. The House was aware that within the last few days the Army Estimates for the ensuing financial year had been laid on the table of the House of Commons; and as they had thus become in some sense public documents, he would venture to refer to them. He had observed with surprise that of the total charge for the effective and non-effective services of £11,500,000 in round numbers, which those Estimates involved, £150,000 only was appropriated to the embodied militia. He might be wrong in his views, and if so, the noble Lord the Secretary for War would set him right; but it appeared to him that this was a very small charge in itself, and still smaller when compared with the charge in former years. In 1854–5 the number of men voted for the militia, taking the embodied and disembodied together, was 124,000, and the charge £998,000. In the following year the number of men was 136,000, and the charge £3,800,000; and in 1856–7 the number of men was 126,000 odd, and the charge £3,150,000, which was afterwards reduced to £1,000,000. This year the total charge for the embodied militia was £150,000. He did not say that it might not in former years have exceeded its proper limits in some respects; but if there had been a somewhat lavish expenditure in one year, that was no reason why it should fall into the opposite extreme in the next. Under the circumstances, therefore, it was scarcely unfair for him to assume that it was contemplated either to reduce the number of regiments embodied or to keep up an ineffective force. They had been told on the commencement of the Session that our relations with foreign nations and foreign Sovereigns were of a friendly nature, but no one with the experience of the last six years to guide him could venture to say how far we could depend upon the permanence of those relations, more especially when we looked at the present aspect of affairs abroad. Considering that the late Russian war and the Indian mutiny had suddenly and unexpectedly burst upon

us when the political atmosphere was perfectly calm, it would be irrational to base our calculation upon the continuance of a favourable aspect of foreign affairs; and should an untoward circumstance arise, nothing could absolve the Government from the responsibility which would attach to them, should it be found that they had neglected their duty in making full provision for national defence and the security of the country. The great principle which ought never to be lost sight of by any Government, was to provide for the sufficiency of our home defences, whatever might be our foreign policy, or whatever the state of our foreign relations. That was in the end the most economical policy as regarded the tax payers, as well as that which was the best calculated to uphold the national dignity by enabling the Government on all occasions to maintain an independent tone in our relations with foreign countries. One important element of national defence was unquestionably the embodied militia, and therefore he was anxious to know whether there was to be any and what reduction in the amount of the force intended to be kept up. He assumed that there was to be a reduction, for he could not understand how this £150,000 could be sufficient provision even for the number of regiments now embodied. Taking the cost of each man at £30 per annum, which was, he believed, the lowest calculation, it would not provide for more than 5,000 men. The total number of regiments now embodied was 28 English, 5 Scotch, and 14 Irish, making 47 altogether; and the average number of men to each regiment was 400. This would give, at the ordinary rate of £3 per man, a total of £564,000, or an excess of £414,000 over the proposed Vote. He had thought it right to call the attention of the House to this matter, and to ask the noble Baron opposite to afford them some information as to the amount of embodied force which it was intended to maintain.

LORD PANMURE: I have no objection to the production of the returns moved for by the noble Earl. In presenting these Estimates to Parliament, it must be remembered that the Government has a double duty to perform — to consult, on the one hand, the efficient defence of the country for which they are responsible, and, secondly, to prepare the Estimates with a due regard to the taxation of the country. In considering the Estimates the Government thought that 130,000 men would be a sufficient number of the land forces to meet the demands upon us both abroad and at home. I have only taken a Vote of £150,000 for the embodied militia of next year, because, from the rapidity with which troops are coming to our standard we are encouraged to believe that that sum will cover the maintenance of the embodied militia for six months, by which time we hope the ranks of the regular army will be filled up to the number voted by Parliament, and then we shall have no further need for the embodiment of the militia. I think I am justified in that expectation, for since the 1st of January in the present year we have enlisted no fewer than 8,500 men, and during the last week no less than 2,059. That is a very large proportion as compared with the numbers recruited in previous years, and if recruiting goes on at this rate, in two or three months we shall have replaced the force sent out to India between last July and the present time. On all these accounts we think—and we have the opinion of officers high in station in India to the same effect — that we shall not be called upon to send any fresh regiments to India, although we shall have to send out large drafts to replenish the regiments already there. The health of the army in the field, notwithstanding the length of the marches they have made and their exposures to the climate, is in a remarkable state. Still we must expect that when the rains and the hot season commence there will be a great many casualties from disease and other circumstances. I do not think we ought to calculate upon sending less than 1,500 men per month to India; but whether it will be advisable to send them month by month during the unhealthy season will depend upon the exigencies of the case. If that is not done, I propose to send them as far as the Cape of Good Hope or Ceylon, where they can remain in a healthy station till the season will permit them to be sent on to India. Under these circumstances I do not propose to ask Parliament for a very large sum for the embodied militia. It will be in the power of this or any other Government to propose to Parliament to increase the Vote and the number of the force; and there are some advantages in this course, for if it should be necessary to ask for an increased force we shall give to Parliament an opportunity of expressing an opinion upon the increase so asked for. We think that the number

of men we have proposed will be sufficient for the requirements of the country, and that, at the present rate of recruiting, by the time the Vote is expended we shall be enabled to do without the assistance of the present embodied militia, so that they may return to their homes at a season of the year when their labour will be valuable.

The EARL of HARDWICKE :—The noble Lord stated that he had recruited 8,000 men since January 1 ; if he went on at that rate he would soon be able to restore the force of the regular army to its full complement, and to make good whatever casualties might arise. He believed that for that purpose they would require 40,000 men, which the ordinary means of recruiting would take a considerable time to supply. The noble Lord was very sanguine in supposing that he would raise 8,000 men a month through the year. No doubt a large number of men had been obtained ; but then it must be remembered that this was a season when there were usually a large number of men in the agricultural district out of employ and likely to enlist. It was also to be borne in mind that they had recently increased the bounty, given free kits, and reduced the standard to five feet three inches. This was, at least, evidence of the difficulty they had experienced in obtaining men at one time ; and this difficulty might occur again. They would require, he believed, at least 50,000 to supply the exigencies of the service, and keep up the force in India up to its full numerical strength. If so they would have, after all, to fall back on the militia. It would therefore, in his opinion, have been better to take a larger vote in the first instance, which need not be expended if it should turn out that it was not required, rather than to propose a smaller vote and come forward afterwards for a larger sum. He did not think this was a time when they ought to be unprepared for any accident that might occur. A militia force that had been called out but for a few weeks only could scarcely be expected to be very efficient, and would require to be put under discipline for some time before they would become so. He could not help thinking, therefore, that a larger embodied militia force would be desirable. When he looked to circumstances of which they were all aware, and heard it asked in the House of Commons "whether it was their intention to offend the Emperor of the French by the tone they adopted"—when he heard language like that used by the chief Minister of the Crown to the House of Commons, it certainly did lead him to think that the state of our foreign relations was not altogether so satisfactory as could be wished. And when he remembered also that we had another war—carried on with what object or for what purpose they did not know, but which would absorb much of our means of relief to the regiments serving in India and the Colonies—he thought it was a time when the Government might have ventured to ask for a larger sum than £150,000 for the embodied militia. Under these circumstances, he agreed with his noble Friend who had asked for these papers, and should be disposed to support the Government if they proposed to be a little less near in this matter. He did not know what the Government intended to ask for the civil service this year, but he understood that the total amount of the Miscellaneous Estimates was to be something like £9,000,000. This was a class of expenditure which had greatly increased of late years, and in consequence of the largeness of the demand had attracted a considerable share of public attention. He would suggest that if reductions were to take place they might be made in the charge for these civil services with much less danger than in the military Estimates.

EARL GREY said, he could not help deprecating the practice of discussing large and difficult questions of policy in an incidental and imperfect manner. If there was any objection to the policy pursued by Her Majesty's Government with reference to the management of our military forces at a moment of difficulty like the present, the matter should be brought before the House in such a way as would enable them to give a proper expression of their opinions; but he thought it ought not to be introduced in a slight and imperfect discussion like the present. He did not wish to prolong the conversation, but, as so much had been said, he would take the liberty of adding a few words only to express his opinion that his noble Friend the Secretary for War had acted in this matter upon a right policy. If he understood the explanation that had just been given of that policy, it had been the opinion of Her Majesty's Government that, in consequence of what had taken place in India, a considerable increase of the regular army was absolutely necessary—that it was impossible to wait till that increase had been made, in order to send out the troops urgently

wanted in India—that such troops as we had were therefore sent at once, by which our force at home was for a short time unduly diminished, and that in order to guard against any danger which might thus be created and to provide for the defence of the country, the militia had been embodied, while steps were taken to increase the regular army; but that so soon as that increase in the regular army had been effected, the militia was again to be disembodied. A common-sense view of the subject seemed to have been taken by Her Majesty's Government in deciding upon this course; because, if they were to keep the army in India efficient, it was clear that we must keep up in this country a large regular force, from which drafts might be constantly supplied to India. For this purpose every regiment employed there ought to have a second battalion in this country. Considering the tear and wear of Indian service, they never could expect that any regiment exposed to it could be kept in efficiency with a less reserve than a second battalion in this country of equal strength to that in the field. To embody the militia was as expensive as to raise troops of the line, and therefore, when the object they had in view was to keep up the army at home and feed the army in India, it was only common sense that the force raised should be a regular force. He would remind their Lordships, that when the present Militia Bill was brought in, the noble Earl (the Earl of Derby) stated that his object was to create a force that would not be permanently embodied even during war, unless under the immediate apprehension of an invasion; and it was very important that this original design should not be departed from, because so long as in accordance with that design, the militia were only called out for a limited number of days for training, they would have a force composed of a class not looking to military service as their chief employment. Married men, and men having various occupations in civil life which would prevent their serving continuously, would be ready to enter into the militia both as officers and soldiers, so long as its original character was preserved. But if it were to be permanently embodied, all such persons must be excluded from it, and its ranks must be filled by men willing to adopt a military life as their profession, so that recruiting for the militia must come into direct competition with that for the regular army; and the result would be, that we should have a force as expensive but less efficient and available than the regular army. It appears from the statement of my noble Friend (Lord Panmure) that Her Majesty's Government have to some extent at least adopted these views, and so far as they have done so I approve of their policy.

THE EARL OF ELLENBOROUGH thought the noble Earl who had just spoken had taken too favourable a view of the position and efficiency of the troops in India. The noble Earl thought the losses in India would be so great, that every regiment in India required a second battalion for its reinforcement. But at the present moment, while they had in India, or on their way there, sixty-three battalions, he could not learn that there were more than twenty-five regiments which had got second battalions. He did not know what returns the noble Lord had received of the effective strength of regiments in India, but he saw, and he very much regretted to see, in an Indian paper, the *Bengal Hurkaru*, most minute details of the strength of the army that was in garrison at Delhi, including Greathed's and Shower's columns. He was afraid, if the noble Earl referred to that return, he would find that the sick and wounded were one-fourth, if not one-third, of the whole force. He trusted, then, that no more entire regiments would be sent to India except for the purpose of relieving the regiments which were already there; and that the noble Baron opposite would be able to make arrangements for relieving eight or ten of the regiments which had been most constantly engaged, especially before Delhi. These regiments had gained as much glory as had ever been achieved by any troops. Such an arrangement he was sure would be productive of the best effects upon the regiments at home.

LORD PANMURE said, he believed that nothing was so unpalateable to a regiment, however weak it might be, as to be withdrawn hastily from a field where it had attained so much glory.

Motion *agreed to.*

DISTRICT COURTS OF BANKRUPTCY ABOLITION.

BILL PRESENTED. READ 1ª.

LORD BROUGHAM said, he rose to lay on the table a Bill for amending the distribution of the Bankrupt and Insolvent Courts, and for effecting great and important improvements in the law of bankruptcy and in-

solvency. The Bill that stood on the paper in his name for a Second Reading to-morrow was a partial measure, relating to imprisonment for debt, but which, if no further improvement were effected in that respect, would be a great improvement of the law. But the Bill, the nature of which he was now about to state, went, as he thought, to the root of the evil as it existed at the present time, and which had been so long and generally admitted. During the last autumn he had had the honour of presiding over the great congress, which was held at Birmingham, of the Association for Promoting Social Reform and Social Progress. In that body there were different departments, at the head of one of which was his noble Friend Lord John Russell. The department over which he so ably and usefully presided was that to which were referred matters connected with the jurisprudence of the country, to which his noble Friend had before given great attention; and it was clear from the manner in which he performed the duties of his office that he had not thrown away his time in bestowing that attention upon it, but that he had a competent knowledge of the subject, and entertained sound and judicious views in reference to it. It was on the suggestion of his noble Friend that a Committee was appointed, after a lengthened discussion, for the purpose of examining the whole subject of the bankruptcy and insolvency laws —for there was no one thing more manifest throughout that discussion than the universal and deep interest which the state of those laws excited among the whole mercantile community. This was evident from the various plans that were proposed to the Committee by different interests, —some of them in favour of the debtor, others in that of the creditor, and others, again, in that of the trading part of the community at large. The variety and in some respects the opposition of those proposals were as remarkable as the interest by which all of them were regarded by their several supporters, and the vast importance which was attached to the subject itself by them all. He (Lord Brougham) would take leave to repeat what he had said on a former occasion on presiding over the great Mercantile Law Conference which was held about eighteen months ago—in this metropolis—that when they saw the whole mercantile community coming before them with complaints of grievances under which they were suffering from the state of the law, though there might be great contrariety of opinion among themselves which rendered them less deserving of being implicitly relied on, and even if none of those proposed remedies should be deemed deserving of approval, yet, if they were agreed as to the existence of the grievance, their authority was supreme and without appeal, because they were the parties for whom and to protect whose interests, the law existed. Therefore, it was that he urged the universality of the complaints of the present state of the bankrupt and insolvent laws, as demonstrating that there was ground for those complaints, although their Lordships might not agree with the complainants in adopting the remedies which they thought necessary. As President of the Mercantile Law Conference to which he had alluded, he turned his attention to this subject, which, however, was one that he had more than once before brought under their Lordships' notice, and for which he had on several occasions sought to apply a remedy. But since the discussion which had since taken place, he had certainly made material changes in the measures which he propounded in 1849 and 1852, and the Bill he was about to lay on the table was the result of this further consideration and further experience of the subject; and he would fain hope, when the evils complained of and the remedies he sought to apply to them were taken into consideration, that this measure would be held by their Lordships as likely to be effectual in affording the requisite protection. He was, however, aware that the Committee of Delegates from the Chamber of Commerce, pending the inquiry suggested by Lord John Russell, had resolved to prepare a measure which they would submit to the Government, and he trusted it would receive full consideration. It went a great deal beyond that which he now proposed, and which was intended to remove the evils chiefly complained of. The first great evil was the expense of the Court of Bankruptcy. His noble and learned Friend (the Lord Chancellor) knew that the ground of that complaint was the large amount of fees exacted from the suitors, to their extreme vexation. For example, those suitors considered it an intolerable grievance that in this year 1858 they were compelled to pay large sums of money as compensation to officers, some of whom had ceased to exist as officers of the court for a quarter of a cen-

tury. They were paying many thousands a year to those most learned and respectable gentlemen whose official existence he was the means of terminating by the Act of 1831 and 1832, when the new system was substituted for the Septuagint, as the seventy Commissioners then in existence were called, others as ceasing since 1843. There were other instances of the same nature with which he need not trouble their Lordships; he would merely remind them that all these compensations came out of the pockets of the creditors, constituting in the aggregate a great ground of complaint. Besides there was another serious grievance. The Court of Bankruptcy in London exercised jurisdiction over upwards of 3,000,000 of Her Majesty's subjects; but there were twenty-nine counties in England in which there was no Court of Bankruptcy at all; and of those twenty-nine counties some were far distant from the Central Court, and yet the inhabitants of them must come there to transact their business. Of those twenty-nine important counties, omitting Middlesex, Surrey, Kent, Essex, Hertford, in the immediate neighbourhood of the metropolis, there were seven counties with a population of 1,800,000, besides four other counties, and parts of Wiltshire and Dorsetshire, containing a total population of more than 2,000,000, the inhabitants of which had to conduct their bankruptcy business in London, there being no local tribunal for that purpose. This was the case even now after the principle of local bankruptcy tribunals had been adopted by the act of his noble and learned Friend (Lord Lyndhurst). It was no doubt true that in many of these places there was very little bankruptcy; but in others there were towns in which a large trade was carried on and the bankruptcy business was proportionate. Of the places the inhabitants of which had to come to London to transact their bankruptcy affairs he would mention four important towns: — Norwich, which was distant 108 miles; Great Yarmouth, 124 miles; Southampton, 77 miles; and Brighton, 58 miles. In these cases he would admit that the evil was mitigated by the fact that much of the goods supplied to the bankrupts on credit came from London; and in that way an inquiry was sometimes more convenient in the metropolis than elsewhere. But the extent of the provincial districts produced the same measures; as when creditors in Whitehaven had to go as far as Newcastle to the Bankruptcy Court, 130 miles off. The next thing complained of was the inequality of the business in the district courts. In some of the bankruptcy courts the Judges were overworked, while in others they were underworked. That was the case also with the County Courts. The learned Judge of the County Court at Liverpool had far more work than any man ought to be asked to do; but the two Bankruptcy Commissioners of Liverpool were, as he was informed, exceedingly underworked, and had much time upon their hands, which could be applied most usefully to the public service. He should propose in that case to make the two Bankruptcy Commissioners and the County Court Judge of Liverpool form one court, and to transfer to the County Court, of which they should be Judges, the bankruptcy jurisdiction now possessed by two of them alone. With the view of mitigating the evil arising from the distance of a place from the central Court in London, he proposed to apply the principle generally, and to localize bankruptcy generally just as insolvency was now localized—for the County Court Judges had jurisdiction at present in insolvency though not in bankruptcy. That was the main foundation of the Bill which he proposed to introduce — that the Bankruptcy jurisdiction should be transferred to the County Courts, together with the whole staff of officials now engaged in the district Bankruptcy Courts. The Bill also gave parties an option to go before the district Judge or to apply to the central Court in London as might be most for their convenience, which would depend upon whether most of the creditors resided in London or in the neighbourhood of the bankrupt's place of business. The Bill also gave the Bankruptcy Commissioners power to imprison for debts incurred by fraud or misconduct. It was most unfortunate that they had not hitherto possessed that power, as the Insolvency Commissioners had long done. In the hands of the latter it had been found to be very ineffectual as a security to the public, as far as that security was to be obtained by punishment of the wrong-doing debtor. He had already, in proposing two other Bills, stated to their Lordships the remarkable facts that not above one-eleventh of those who were now imprisoned for debt, and who took the benefit of the Insolvent Act, ought ever to have been in prison at all, and that in seven-tenths of the cases in

the Insolvency Court there was not even one inquiry, there being no opposition. In many instances, no doubt, the absence of opposition arose from the disinclination of the creditor who had lost his debt to incur more expense and trouble in performing a public duty. If the Bill relating to Insolvency which he had introduced should be passed into law the creditor, who now could only arrest his debtor, would have the power of summoning him, and of suddenly laying hold of any property he might possess, just as the Bankruptcy Court could do at present. He had added to the Bill abolishing the distinction which now existed between the trader and the non-trader a clause to the effect that an officer, to be called an "official examiner," should be appointed, whose duty it would be to examine on behalf of the public—in the event of the creditor not choosing to undertake the task of examination,—and to sift and scrutinize the case of every debtor, whether trader or non-trader, who should be brought before the Court. One of the great defects of our laws—one, however, which had in a great degree, he was happy to say, been removed—was that no adequate punishment had been awarded in those instances in which breaches of trust had been committed. It was impossible to survey the last year and a half without being ashamed and shocked at the discredit which had for the first time been brought on the character of our trading classes. He believed that his noble and learned Friend the Lord Chief Justice would bear him out when he said, that in many of the cases which had come before his noble and learned Friend during the last year and a half, where parties tried for misdemeanour, or parties tendered as witnesses, or parties to the suit, had disgraced themselves by the conduct disclosed, it would be found that the persons who had so disgraced themselves—who so showed that they were not worthy of credit as witnesses, of respect as parties, or of acquittal as culprits—owed much of their fall from the paths of honesty to the state of the law respecting fraud and breaches of trust. He believed that the great defect of the law—that of not punishing criminal breaches of trust, especially where those breaches of trust were committed for the lucre of gain—had been the cause of a very great portion of the prevailing immorality. The manner, too, in which the Commissioners acted in the granting of the various classes of certificates was in itself extremely inconsistent, and he should therefore propose that the power should be vested in the Commissioners of either absolutely granting or refusing a certificate, giving them in the latter case the further authority to punish by imprisonment, which they did not now possess. It might be objected to this proposal that the punishment of imprisonment ought not to be inflicted without trial by jury, but his answer was that the Insolvency Commissioners had always exercised that power which he proposed to confer upon the Judges in Bankruptcy, and to a still greater extent, for they could imprison for a longer period than two years, which would be the *maximum* named in this Bill. As to class certificates he had adopted the plan in the Bill of 1849, in deference to the City authorities; it was not in the Act of 1851. There were also some provisions in the Bill in reference to the remuneration of official assignees, between the *maximum* and *minimum* amount of whose incomes a very considerable difference existed, that amount being in some instances £5,000 or £6,000 in one year; while in some cases the official assignee hardly received enough to pay the expenses of his office. He proposed to fix a *maximum* and *minimum* remuneration, which, without taking away the interest of that functionary in the collection and distribution of assets, would provide against the present gross inequality. Where the remuneration was defective, he would make up the deficiency out of the fee fund, taking care that the fees of those who were overpaid should be diminished. There were many persons engaged in trade who were of opinion that a measure of a somewhat wider scope than that which he had submitted to the House should be introduced. Now, so far from proposing his Bill as a substitute for any more extensive scheme, he should ask their Lordships to regard it simply as a natural introduction to a still greater measure, which very possibly the Chamber of Commerce would propound. There was a material difference between the measure which he was now introducing and that which he had in a former Session laid before their Lordships, and he hoped it would be found to embody the experience of late years, and better adapted in many ways to effect the object in view. It was sometimes said in the City to men engaged in trade, "Your name is on too many bills," and he was afraid that the same remark would apply

to him. In extenuation of the offence, however, and in order that his Bills might not be dishonoured, he was bound to add that he was pursuing on the present occasion the same course which he had taken in other cases and particularly on the important questions relating to the patent law. He had introduced a Bill for the amendment of the law on this subject when at the same time it happened to be under the consideration of the Government. The Ministerial measure was afterwards introduced, and both were referred to a Select Committee, which examined them in detail, and formed out of both a Bill which effected a great improvement in the patent law, and was still in force. Following that precedent, he was now introducing the present Bill in the expectation that his noble and learned Friend on the Woolsack would shortly propound another, that then both would be fairly and impartially considered by a Select Committee, and that out of the two measures one might be framed deserving the sanction of the House and of the Legislature. He hoped his noble and learned Friend would give his careful attention to this subject, in which case he was sure that the commercial and trading interests of the country, as well as the character and the morals of the country, would profit greatly by the result of his labours. He would now conclude by laying his Bill on the table,

Bill to limit the jurisdiction of Her Majesty's Court of Bankruptcy; to abolish the Courts of Bankruptcy for the Country Districts; to give to the Judges of the County Courts acting in the Country Jurisdiction in matters of Arrangement and of Bankruptcy in certain cases, and further to increase the Jurisdiction of the County Courts; and to amend the Laws relating to Bankrupts and to the Estates of deceased Debtors.

THE LORD CHANCELLOR said, it was always a part of the courtesy of that House to allow a Bill to be laid on the table and be read a first time without opposition. That was a most useful practice; but his noble and learned Friend could hardly expect any discussion to arise with regard to complicated details only now announced for the first time, and of which none of their Lordships had any previous knowledge; nor must he be thought guilty of discourtesy if he now made only the most cursory allusion to his noble and learned Friend's observations.

Lord Brougham

In many of the proposals now submitted to their Lordships he entirely concurred. In the first place, he believed it absolutely necessary to provide some different mode of remunerating the official assignees. At the same time, he thought his noble and learned Friend rather overstated the case when he spoke of these gentlemen sometimes making as much as £5,000 or £6,000 a year. It had happened only in one case, where the British Bank case having fallen into the hands of the official assignee in question, he certainly did last year make more than £6,000 of clear income. On the other hand, he might mention that soon after he took the Great Seal he was beset with applications from official assignees, who complained that they actually made hardly enough to pay the expenses of their office. That was an objectionable state of things, and in communication with some of these gentlemen he proposed a scheme, apparently very similar to that of his noble and learned Friend—namely, that there should be always a *maximum* sum, beyond which their remuneration should not rise, and a *minimum* sum, below which it should not fall. He agreed also very much in the remarks of his noble and learned Friend as to the different classes of certificates given in bankruptcy. He thought it would be very wrong to retain the present classification of certificates. It certainly was the case that, whereas some Commissioners made it a rule to give first class certificates unless there had been disreputable conduct on the part of the bankrupts, others, on the contrary, always awarded certificates of the lowest class unless something meritorious appeared in the conduct of the bankrupts. Considering the number of the Commissioners it was impossible but that there should be discrepancies in their decisions; still, as things were, the obtaining a first or third class certificate was very much a chance, depending mainly upon what Commissioner a bankrupt was obliged to go before. Any change of system which removed these inconsistencies would be an improvement. His noble and learned Friend, if he collected what had fallen from him aright, thought the district bankruptcy courts should be abolished, and their jurisdiction in the country given to the County Court Judges. Now, there appeared to him to be grave difficulties in the way of such a change. Four or five years ago this matter was considered with the greatest attention by Mr. Glyn, Mr.

Walpole, and others, both lawyers and non-lawyers, who came to the conclusion that, however useful the County Court Judges might be, and however meritorious in the discharge of their duties, they were eminently ill-calculated for the administrative business in bankruptcy. In insolvency cases there was very little such business, but not so in bankruptcy. As his noble and learned Friend had lately correctly stated, the charge of proceedings in bankruptcy was from 33 to 36 per cent upon the assets realized—an enormous percentage, and one which it must be the great object of legislation to reduce. Still, however, upwards of 60 per cent remained to be distributed. Now, an ambulatory Judge, who came to a town once a month for the transaction of business, would experience great difficulty in discharging that portion of his duties which would consist in investing, securing, and ultimately distributing the sums of money which were from time to time realized. He would not say that the proposal of his noble and learned Friend on this subject did not point to the best resource which was open to them; but it was not one to which he thought they could look with anything like satisfaction; and he confessed that, along with the Commissioners of 1853, he considered it one which would entail the greatest possible difficulty. There would be delay, there would be the chance of having assets purloined, it would be impossible to keep them together as you could wish, and there would not be that stability and fixity of place which were essential to the due administration of a bankrupt estate. His noble and learned Friend suggested that the Bankruptcy Judges should have in certain cases the power of imprisoning. But he could not look without suspicion on a proposal to give them such a power. Such a power might, perhaps, be safely intrusted to the three or four Judges who sat in London, where a vigilant public eye watched over their proceedings. Even there, however, it was a matter of great difficulty to allow a number of Judges not acting in common to imprison those brought before them at their discretion for any considerable length of time, more particularly when the point to be determined was whether the persons in question had or had not acted honestly and fairly as traders. The opinions which one man formed on such a subject differed so widely from those which would be formed by another man that he should look with great apprehension to the exercise of such a power. [Lord BROUGHAM: The County Court Judges are intrusted with it in cases of insolvency.] Yes; but if such a provision were coupled with an extension of jurisdiction all over the kingdom, if all the County Court Judges were empowered to imprison at their discretion for any considerable length of time persons whom they might consider to have acted without due caution or improperly in the conduct of their affairs, he thought serious danger would arise. He believed that the Bill which had been so long under the consideration of the Board of Trade was completely prepared, and would receive the final approval of Her Majesty's Government in the course of a few days, and it would be laid before that or the other House of Parliament without delay. In the meantime he would give the subject his very best attention; but his noble and learned Friend (Lord Brougham) must not take it for granted that because his name was on the back of many Bills he (the Lord Chancellor) was prepared to endorse or accept them. The Bills of his noble and learned Friend might be very good and useful measures, and if so he would be happy to give them his cordial support; but all he could promise was that he would give careful attention to his noble and learned Friend's propositions. He would suggest that his noble and learned Friend's Bill, and the other Bill relating to the same subject which was already before their Lordships, should stand for a second reading on the same day.

THE EARL OF POWIS wished to remind the noble and learned Lords who were dealing with this question of the great inconvenience occasioned in the country from the distance which creditors and other persons concerned in bankruptcy proceedings had frequently to travel from their own residences to the district courts. The inhabitants of the large county of Salop, containing a population of 250,000, were compelled to go to Birmingham in cases of bankruptcy, and the larger portion of the inhabitants of North Wales were obliged to resort to the district courts at Liverpool and Chester. It was, therefore, in many cases not worth the while of small tradesmen to incur the expenses of the journey and the other inconveniences consequent upon the prosecution of cases of bankruptcy. The same inconvenience was experienced by solicitors and other persons who might be connected with cases of this

nature. Bankrupts were sensible of their advantage in this respect, and all manner of expedients were resorted to in order to delay the proceedings.

LORD BROUGHAM said, it was with the view of remedying the inconvenience referred to by the noble Earl that he proposed to give jurisdiction to the County Courts.

LORD CAMPBELL expressed his hope that an attempt would not be made simply to amend the law of bankruptcy, but that that law would be entirely recast. He believed that a partial attempt to reform the law by calling in the assistance of the County Court Judges in the administration of bankruptcy would be of little advantage, and unless the whole system were recast he did not think any satisfactory result could be expected.

LORD WENSLEYDALE cordially concurred with his noble and learned Friend that this was a subject which required the most careful consideration in all its parts. Indeed, the law of bankruptcy and insolvency was in a more unsatisfactory state than any other branch of our law, and he hoped his noble and learned Friend who last spoke, and all others who were conversant with the subject, would endeavour to effect those improvements which were absolutely requisite. Nothing satisfactory could, however, be done without going into a consideration of the whole subject. The Bill just introduced by his noble and learned Friend, and that which was already upon the table, dealt with parts of the subject; but he thought some method should be devised for carefully considering the whole question in all its bearings. The present system was undoubtedly attended with great inconveniences. The noble Earl (the Earl of Powis) had mentioned the inconvenience felt in Salop and North Wales. Now he (Lord Wensleydale) had only been informed yesterday by an hon. Member of the other House that it was a matter of serious complaint on the part of the inhabitants of Westmoreland and Cumberland that they were compelled to travel from the remotest parts of those extensive counties to Newcastle-on-Tyne for the transaction of bankruptcy business. It would, undoubtedly, be a much more convenient arrangement if the Commissioners went about from place to place so that meetings might be held in the vicinity of the bankrupts' residences, without subjecting creditors to unnecessary expense.

LORD STANLEY OF ALDERLEY said, the public owed a deep debt of gratitude to his noble and learned Friend (Lord Brougham) for his contribution towards the improvement of the law on this subject by the Bill which he had just laid upon the table. He concurred with his noble and learned Friend that there was scarcely any branch of law in which the necessity of reform was more universally admitted. He would not enter upon the different points which had been noticed in the course of the discussion; but it seemed to him that the essence of his noble and learned Friend's Bill was to transfer the duties of the Commissioners of Bankruptcy, as far as it could be done, to the County Court Judges. He thought that there was a broad distinction between the trader and the non-trader. In bankruptcy there were generally more or less assets to administer; but in insolvency persons frequently came before the courts without any means whatever, and the same machinery was not necessary which was required in bankruptcy. With regard to the measure which was being prepared in the department with which he was connected it was in a very forward state, and he trusted it would soon be introduced either in that or the other House of Parliament. He hoped that the measure would meet some of the more obvious difficulties, and give facilities for those arrangements which were now common by voluntary agreement among the creditors, so that it should be left to the creditors themselves to decide in what mode the effects of their bankrupt debtor should be administered. It would not interfere with the consideration of the general improvement of the laws on the extended basis which the noble and learned Lord thought so necessary; but he trusted that as it would correct many evils it would meet with the assent of Parliament, with such alterations as might be deemed desirable.

Bill read 1a.

House adjourned at Seven o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, February 18, 1858.

MINUTES.] NEW MEMBER SWORN.—George Gavin, esq., for Limerick City.

2° Government of India.

CHANCELLOR OF THE DIOCESE OF MANCHESTER.

MR. HADFIELD said, he would beg to ask the Secretary of State for the

Home Department under what authority the Bishop of Manchester has appointed a Chancellor of the diocese of Manchester? Whether Dr. Bayford, recently appointed Registrar of the Court of Probate, still holds the office of Chancellor of the diocese of Manchester; and, if he does, whether he will be permitted to hold both offices? Whether Mr. John Burder, recently appointed Registrar for the city of Manchester and hundred of Salford, is to be permitted to hold the office of Secretary to the Bishop of Manchester, and the other offices held by him under the Bishop, or in connection with the diocese or archdeaconry of Manchester?

SIR GEORGE GREY: Sir, the first question of the hon. Gentleman relates to a subject with which the Government have nothing to do, and which they cannot interfere with in any way. The Bishop of Manchester has appointed a Chancellor under the general authority of his office. A Bishop is required to appoint one, and if he does not, the Archbishop is entitled to do so. There has been no communication on the subject between the Government and the Bishop; As to the legal appointments, I can give no information to the hon. Gentleman.

CHARITY COMMISSIONERS.

QUESTION.

MR. HOPWOOD said, he would now beg to ask the Secretary of State for the Home Department, whether it is the intention of the Government to take any steps for enlarging the powers of the Charity Commissioners, with a view to simplifying the proceedings between them and the Court of Chancery?

MR. BAINES: Sir, the Government has not at present come to the opinion that it is advisable to bring in a measure in reference to this subject.

ARMY MEDICAL DEPARTMENT.

QUESTION.

MR. GROGAN said, he wished to ask the Under Secretary for War when the Warrant in reference to the Medical Department of the Army, in accordance with the recommendations of the Committee, will be issued?

SIR JOHN RAMSDEN: Sir, the subject is at present under the consideration of the Government; but the recommendations of the Committee are so various and so important, that great deliberation is necessary before they can be finally adopted. It is impossible, therefore, for me to state the precise time when the Warrant will come into operation.

GENERAL WINDHAM.

QUESTION.

GENERAL CODRINGTON said, he would beg to ask the First Lord of the Treasury, whether any additional despatch has been received by the Government from the Commander in Chief and from the Governor General in India, referring to the operations of General Windham in the defence of Cawnpore in November last.

VISCOUNT PALMERSTON: I rather think, Sir, a communication on the subject has been received at the India House. My hon. and gallant Friend knows that there is no direct communication between the Governor General and any part of Her Majesty's Government; but I believe I may venture to say that explanations have been given which completely acquit General Windham from any blame connected with the operations at Cawnpore, which resulted in the loss of his baggage and camp. An inquiry is going on in India with regard to the conduct of certain other persons who are supposed to be in fault on that occasion, and I believe I am justified in saying that Sir Colin Campbell is satisfied that General Windham displayed on this, as he has done on all other occasions, the qualities for which he is so much distinguished.

BUSINESS OF THE HOUSE.

VISCOUNT PALMERSTON: Sir, I will venture to appeal to the courtesy of my hon. and learned Friend the Member for Sheffield (Mr. Roebuck), whose Motion stands first on the paper, to allow the Adjourned Debate on the Government of India to proceed.

MR. ROEBUCK: I have done the deed before I was asked by the noble Lord.

VISCOUNT PALMERSTON: I hope those hon. Gentlemen also whose Motions are on the paper will follow the courteous example of my hon. and learned Friend, and allow the adjourned debate to go on.

Motions were then, by leave, *withdrawn*, and the House proceeded to the Orders of the Day.

GOVERNMENT OF INDIA BILL—LEAVE.

ADJOURNED DEBATE.—THIRD NIGHT.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [12th February],—

"That leave be given to bring in a Bill for the better Government of India." And which Amendment was, to leave out from the word "That" to the end of the Question, in order to add the words "it is not at present expedient to legislate for the Government of India," instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

COLONEL SYKES said, that he was desirous in the first place of setting himself right with the House, inasmuch as it might be reasonably inferred that from his long connection—nearly eighteen years—with the Court of Directors, he would have certain predilections in favour of that Court. Great injustice, however, would be done to the Court, and the statements he had to make in its defence would be unfairly weakened, if that feeling were entertained by the House. He had so frequently for many years past opposed the views of the Court of Directors upon questions of public policy that he had exposed himself to the imputation of belonging to the Opposition benches. That opposition operated among his colleagues to his prejudice, and had delayed his access to the honour of the Chair of the Court of Directors beyond the customary period. If therefore, he had any bias with respect to the Court, it would be against rather than in favour of it. He trusted, therefore, that the House would be disposed to regard the statements which he had to make on the present occasion as those of a witness to the truth, and not as those of an apologist or panegyrist of the Court of Directors. He would first notice the grounds on which the noble Lord proposed to make this transfer of power. The noble Lord said:—

"In making this proposal I feel myself bound in the first place to say that I do not make it in any spirit of hostility to the East India Company, or as meaning thereby to imply any blame or censure upon the administration of India by that Corporation. I believe the East India Company has done many good things in India. I believe that its administration has been attended with great advantage to the population under its rule. It is not on the ground of any delinquency on the part of the East India Company, but on the ground of the inconvenience and injurious character of the existing arrangements, that I propose this measure to the House."

Inconvenience and the injurious character of the existing arrangements, then, were the sole grounds on which the noble Lord proposed this momentous change? But what said the Chancellor of the Exchequer? That right hon. Gentleman stated that the East India Company had done nothing at all—that all the glory of expanding the space on which two small factories stood into a magnificent empire that would have excited the envy of Alexander the Great and of Augustus Cæsar was the result—of what? Of the insubordination of the servants of the East India Company! That assertion was in direct opposition to the admission of the noble Lord as to the excellent manner in which the Company had administered Indian affairs. The First Lord of the Treasury also said:—

"This system of check and counter-check may be carried too far. There is no doubt that these checks are requisite in every political machine, but you may multiply your checks and counter-checks to such an extent that the functions of the machine, which are intended only to be controlled, are paralyzed for every useful purpose."

He (Colonel Sykes) challenged some Member of the Government to give an instance in which these checks and counter-checks had paralyzed the administration of Indian affairs. The noble Lord added:—

"When Indian questions are discussed it is the constant habit of those who take part in the debate, in impugning what has been done, to make Her Majesty's Government responsible for everything that occurs, although they cannot be fairly answerable for things over which they have not perfect control, and which they cannot entirely direct."

He would show shortly where the perfect control and responsibility really rested. What said the right hon. Gentleman the Vice President of the Board of Trade (Mr. Lowe)? That the Court of Directors was entitled to neither praise nor censure, simply because for the last seventy years it had been deprived by statute of all power of carrying its good intentions into effect.

"In matters of state importance, they were passed by altogether, and in ordinary matters they were only allowed to interfere after the President had made up his own mind, when their interference was obviously nugatory." "Every week," says the right hon. Gentleman, "the President of the Board of Control has a meeting with the Chairman and Deputy Chairman, at which any matters requiring discussion are brought forward. The President's wishes are expressed, and then these two gentlemen go to the India House and prepare a 'previous communication.'"

The House should judge what foundation there was for this statement, or for the

right hon. Gentleman's ridicule of the system of "previous communications" in the carrying on of Indian affairs by the Company in conjunction with the Board of Control. Here, then, are three Members of Her Majesty's Government contradicting each other on the grounds for abolishing the East India Company. A "previous communication" between the Members of the Government, before the noble Lord brought his Motion into the House, might have saved them from this public expression of the want of harmony in their opinions. Probably the next Member of the Government who might take part in the debate would state some other reason distinct and opposed to those already noticed, for this transfer of power. The noble Lord had truly said that the Company deserved praise for its administration of Indian affairs. Returns which had been laid before the House proved the great progress made in the commerce of India, in its internal administration in its works of irrigation, its roads, its police, and the introduction of district courts of law, and in a variety of other matters, during the last thirty years. After the details of Indian improvements given by the hon. and learned Member for Enniskillen (Mr. Whiteside) in his speech of wonderful eloquence and crushing logic—than which, as he had been told by one of the most distinguished orators in that House, no more eloquent display had ever been made within its walls—it would not be necessary for him (Colonel Sykes) to mention more than one or two facts. During the forty years from 1809-10 to 1849-50, the net revenue of Bengal had risen from £7,151,000 to £13,700,000; that of Madras had remained nearly stationary, varying only from £3,620,000 to £3,478,000; while that of Bombay had risen from £466,000 to £2,330,130, making a total increase from £11,238,000 to about £19,570,000. The exports from India had increased in the last twenty years—from 1834-5 to 1855-6—from £8,000,000 to £23,000,000 not less than 188 per cent, whilst the imports from all parts had increased from £4,000,000 to 13,900,000, or 227 per cent. With such facts staring him in the face, how could the Chancellor of the Exchequer contend that it was doubtful whether the possession of India had been of any service to this country? Why, such an increase of commerce in India must have tended considerably to encourage manufactures in this country, and so to have created a demand for labour, and must have been of great advantage to both countries in their relations with each other.

There was one observation which he wished to make with regard to cotton. The Indian Government had been charged with doing nothing in India to promote the production of cotton, and it had been said by some, that whenever cotton was wanted in England, there ought to be found in India a large stock ready. Now the fact was, that the Indian Government had no more right to compel the production of cotton in India than the English Government had to compel the production of potatoes in England, for the benefit of Ireland at the time of the famine. It was entirely a question for the cultivator of the soil, and had nothing to do with the Government. But what were the facts connected with the production of cotton in India? During the last twenty years the Court of Directors had spent above £100,000 in cotton experimental farms—in the introduction of varieties of cotton seed—and in employing Americans at high salaries to superintend cotton farms; and from 1834-5 to 1855-6, the result was that the export of cotton from India to England had increased 346 per cent, and the general exportation had increased 141 per cent. He thought, therefore, that he must have satisfied the Chancellor of the Exchequer that this country had derived some advantages from its relations with India.

He wished for one moment to advert to a few words which had fallen from his hon. Friend the Member for Shrewsbury (Mr. Slaney). His hon. Friend had stated—

> "The people of India, inhabiting a country blessed with the most fertile soil, and living under a Government formed from the most intelligent nation on earth, were yet plunged in the lowest depths of misery and degradation. The cause of this was, that they had for a lengthened period been more oppressively taxed than any other people on the face of the globe. The East India Company, as the lords of the soil, exacted from the cultivators rents so exorbitant and grinding as to be wholly without parallel in any other country in the world. One-fourth of the produce of the land was a very high average to levy in the shape of rent; but in Hindostan the proportion reached two-thirds and even three-fourths, leaving to the unhappy ryot the most wretched pittance on which human life could be sustained."

He held in his hand a return, which was capable of verification by every Member of that House, of the revenue raised in the North-West Provinces from the land

tax and all other taxes for 1854-5; from which it appeared that in the North-West Provinces the taxes collected under the form of land tax, abkaree, stamps, customs, &c., in the regulation districts, amounted to 3*s.* 3½*d* a head, and in the non-regulation districts to 2*s.* 3½*d.*, while in the Bombay Presidency they amounted to 3*s.* 9¾*d.* It was true that it was not only the amount of taxation which was to be looked to, for small taxation might press very heavily in consequence of the lowness of wages or from other causes; but such was not the case in India, for, from inquiries which he had made some years back when the pressure of taxation was greater than it is now, he found that, as regarded the relative position of the labouring classes in England and the Natives of India, the comparison was in favour of the latter; for the pressure of taxation in India in relation to wages was as 6·94, while in England in 1851 it was 8·04. As regards agricultural wages, there is no doubt that they are very small in India, varying from 6*s.* to 8*s.* per month, but that is met by the excessive cheapness of living, for in many parts of India a Native labourer need not spend 1*d.* a day. In fact, as regards the relative condition of the labouring classes in India and England, he could truly say that he had seen in one street in London, when engaged in examining the dwellings of the poor, more misery than he had seen in a whole province in India; and yet Gentlemen in, and out of this House, made those unjustifiable assertions, which are damaging to the Indian Government, without the slightest foundation for them, instead of previously ascertaining the facts before they ventured to make their accusations. As to the tenure of land, it is a complete mistake to suppose that Europeans are excluded from possessing it; the fact being that any one can hold land who may choose to buy it from the Government or other owner, burdened with a light land tax, usually fixed for thirty years.

Having disposed of the assertions of his hon. Friend, and those of the Member for the Tower Hamlets, who ventured to tell the House the Natives were reduced to eat the earth they cultivated, he would next advert to what had been said regarding the inconvenience of the "double Government." The noble Lord at the head of the Government, with that buoyancy, hilarity, and good humour which were his characteristics, had amused the House with the adventures of a despatch between the Court of Directors and the Board of Control, which he had compared to *The Adventures of a Guinea;* but the noble Lord's measure was of far too grave a nature to be treated lightly, and he could only hope that the day would not arrive—although, indeed, it might arrive, and that at no very distant period—when that House would have cause to regard it with sorrow and not with merriment. He would now give the House the real history of a despatch—not the ideal history, such as had been given by the Vice President of the Board of Trade and by the hon. Member for Reigate (Sir H. Rawlinson), and as he had passed the Chairs he spoke from personal experience. A despatch with its accompanying explanatory documents arrived from India, addressed to the Court of Directors, and never to the Board of Control. It was immediately referred to one of the three Committees into which the Court was divided to which it particularly belonged. These three Committees, it should be observed, performed the corresponding duties of the whole Treasury bench, not, however, for a kingdom of 28,000,000 of souls, but for an empire of 181,000,000. At a Court of Directors, held on the 10th of December, 1834, it was resolved that all despatches coming from India should be referred on their arrival to their respective Committees for answer. Unhappily, that simple method of transacting business had been subsequently interfered with. It had been thought necessary that the answers to despatches should be drafted in the first instance to the India House, and then sent, in what was called a "Previous Communication," to the Board of Control, without the knowledge of the Committee to which they properly belonged. That unfortunate circumstance had originated much of the delay now spoken of as impeding public business. But this was not the worst. He had always raised his voice against the "Previous Communication," because, in consequence of the despatch going to the Board of Control, and being there adapted to the views of the President, or rather of his clerks, it was prejudged. When it returned to the India House to be laid before its proper Committee, where it had to be handled by experienced men, exercising their independent judgment, it might happen that they would not agree with the President of the Board of Control, or rather his clerks. They took the despatch and its inclosures into

their rooms; they compared the documents and paragraphs together, making their own notes in the margin. The subject might be one belonging, for instance, to the Political and Military Committee, which discharged the analogous duties of the Foreign Office, the War Office, the Horse Guards, the Ordnance Office, the Medical Department, and all those functions for which there were separate departments under the Royal Government. The Committee met once a week they saw and discussed each other's notes, and then determined by a majority of votes on the paragraph which should go up to the Court. The members of the other two Committees then subject the despatch to the same ordeal, while it is lying upon the table of the Court for a week, and it is finally passed at a Court of Directors, which must take place weekly. Was there any Government on earth which could better secure that a question should be properly ventilated and sifted by independent minds? But, having been previously prejudged at the Board of Control, the chances are that that Board will not alter their views, but will insist on their original impressions; and, of course, the men best capable of judging from their personal experience are obliged either to give way or to cause impediments. This was the real state of the case with regard to a despatch; not one has its origin at the Board of Control. With the business of the Secret Committee, which dealt with peace and war, the Court had nothing to do. They had only to put their signature to a letter drawn up by the Board of Control, and then send it out to India. In that way there might be a war of which the Court knew nothing, as was really the case in the Affghan war, and also in the Persian war, when as Chairman he had himself to attach his signature to an order sending the expedition to the Persian Gulf. The Ministry, therefore, were entirely and exclusively responsible for everything connected with peace and war. And not less so were they in matters of general business, through their organ, the President of the Board of Control; for as the final approval or disapproval of each despatch resulting from the initiative of the Directors was at the pleasure of the President of the Board of Control, so the responsibility for those despatches equally rested with the Ministry. To show to the House the amount of business in which the Court of Directors exercised in the first instance an ndependent judgment, he had had a return drawn up of the official correspondence which took place during the year 1857—the year after he left the chair. This return embraced the different heads of public business, such as the finances, railway, electric telegraphs, public works, military, foreign, political, ecclesiastical, revenue, judicial, legislative, and statistical affairs. The number of despatches received by the India House on these matters during the last year was 2,516; and the number of collections—that was to say, the documents containing the facts or *data* on which these despatches from India were founded—amounted to 16,950. To do their duty, the Court of Directors had, of course, to read these 16,950 separate despatches. It would be seen by and by whether it was not physically impossible for a single individual to read one-tenth or even one-hundredth part of this correspondence. The number of despatches sent to India in reply in 1857 was 1,833, and not one of these originated with the Board of Control. He now came to some figures which would astonish the House, after the representations which had been made to it by the noble Lord and the Vice President of the Board of Trade as to the delay in transacting the general business, and which delay and consequent inconvenience were the only reasons assigned for crushing a great historical corporation. The latter right hon. Gentleman, though he had filled the office of Secretary to the Board of Control, evidently laboured under some hallucination as to the mode of preparing the despatches. In the year 1857 the number of draft despatches approved by the Court of Directors was 1157. Those ordered to lie for further consideration amounted to 464, and, notwithstanding all that had been said about the adventures of a despatch by sea and land, the average time during which a draft ordered to lie on the table was under consideration was seven or eight days. He defied any office of Her Majesty's Government to produce such a return as this. Yet the East India Company were to be cashiered for obstructing public business; and the noble Lord complimented, and smiled, and slew. Many of these despatches, affecting as they did 181,000,000 of people, were of infinitely greater importance than Acts of Parliament; and in how many of them did the House think that alterations had been made by the Board of Control? Out of the 1,621 drafts only 140 had been altered, and many of these alterations were merely verbal corrections. Thus 1,481 despatches emanating from the

independent minds of the Directors had been approved without any alteration at all; and that was the impediment to good government on the part of the Court of Directors of which the House had heard so much! What delay there was was caused by the interference of the Board of Control with minute details. When that Board was established it was intended to prevent the Directors rushing into war or indulging in financial operations which might endanger the welfare of India; but it was never contemplated that it should make verbal alterations in despatches, or set about the consideration of petty details. Now, as a sample of the vexatious meddling of the Board of Control, he would tell the House what occurred in one instance, and, to avoid all personality or invidiousness, he would take a case before the advent to office of the present President of that Board. A despatch was received in the military department from Madras, one of the paragraphs of which recommended the granting of a pension of fifteen rupees, or 30*s.* a month, each, to the three grown-up daughters of a subadar-major who had died after fifty years' service, who had been five times wounded, and had volunteered to go to Java and had received the military medal and order of merit. The Directors at once agreed to this pension; but when the despatch was sent to the Board of Control 10*s.* a month was deducted from each of the pensions. This was a type of the meddling of the clerks of the Board of Control, and the chief cause of the delays. The details he had given would enable the House to determine where impediments to the transaction of business arose, and where responsibility really rested; and if delays existed, let them be compared with the delays in the passage of Bills through Parliament, and the comparison would be tenfold to the advantage of the so-called double Government.

He would now return to the Bill of the noble Lord. The Bill, unlike Fox's Bill, commenced, not with the enumeration of certain crimes and misdemeanours, but with compliments. Fox's Bill, which proposed the abolition of the Court of Directors, commenced with a recital that disasters of an alarming nature had long prevailed and still continued in the management of the territorial possessions, revenues, and commerce of this kingdom in the East Indies, by means whereof the prosperity of this country had been greatly diminished, and the revenue and commerce thereof had been materially impaired, &c.; and then enacted that there should in future be seven Directors to be appointed by the Government, whose names were inserted in the Bill, and who should be assisted by nine Assistant Directors, to be elected by the proprietary body. There was then no attempt to abolish the East India Company, and the elective principle was maintained and respected. To these seven Directors was given the whole patronage of India, including the appointment and removal of the Governor General and Governors of Presidencies, and all the civil or military servants of the Company; and they were commanded, in case of appeals being made to them of injury or wrongs in India, at once to inquire into the complaints, or to state in writing their reasons for not doing so. In fact, they were made completely independent of party and Parliamentary influence, and were directed to exercise their authority only for the public good. Such a Bill one could understand; compared with that now before the House it was a gentle measure. Fox's Directors had a deliberative power, and were to decide matters by a majority of votes without reference to any other body; but the Councillors now proposed would have no power whatever; they were simply to record their votes and offer suggestions to the President, but they would have no independent character, —no stimulus to, or pride of action. As they were to go out by rotation, and their re-appointment rested with the President, their interest and their duty might not be always compatible. It might be injurious to themselves to record their votes and the practical result would be that the President would become a complete despot. Fox's Bill also allowed the Directors to have seats in Parliament; but by this measure the Councillors were to be excluded from that House. Possibly it might be very inconvenient to an autocrat President to have them there. The former measure was, at all events, justified by the anarchy which then prevailed in India, but this Bill was based upon a fiction of obstruction to public business on the part of the Directors, for which, as he had shown the House, there was no foundation whatever in fact. As under the proposed plan the authority of the President would be absolute, he ought to pass in review all the 16,950 collections, or data

on which despatches were to be founded relating to twenty nations, and 181,000,000 of souls. He would appeal to the House whether it was possible for any man to read the one-hundredth part of the documents which he ought to consider before coming to a decision upon the questions brought before him? Having passed the chair he (Colonel Sykes) had some experience on this subject, he had no hesitation in saying it was impossible; and he would inform the House that for two years he breakfasted at the India House every morning, except Sundays, and rarely left until six o'clock in the evening. He was obliged to carry the papers home with him, and seldom got to bed before two o'clock in the morning. Yet he never could read one-tenth part of the documents upon which he had to form a judgment. But he had means for getting through the work satisfactorily which the proposed despot would not have; he could rely upon the active co-operation and independent judgment of his co-Directors, who read all the despatches from India, and, in case of any ignorance or oversight on his part, he knew that the members of the several Committees were able to correct his errors. The proposed Bill provided for nothing of that kind. Under it the whole business would be left in the hands of clerks; because the eight councillors, having no deliberative power or independent action, would have no motive to labour. Did the House wish the Government of India to be carried on by clerks? He would mention another case to show how business was conducted in Leadenhall Street. Last year the Government handed over between 20,000 and 30,000 troops to the Company for conveyance to India. The naval department of the India House was exceedingly small; but, with the aid of the six members of the Finance, Naval and Home Committees, it was able in the months of July and August to take up sixty-seven vessels —steamers and clippers of the first order, provision them, embark the whole of the troops, and despatch them to India, where they had all landed without an accident. That certainly did not indicate inefficiency, but rather a significant practical embodiment of the "phantom" of the hon. Member for Kidderminster. Take another case, which occurred during his chairmanship. An urgent despatch arrived from India asking that warm clothing should be sent to the troops in Persia. It was received on the 13th of October; and between that date and the 20th of November, having put the order into the hands of parties whom they knew would fulfil their engagements, the Directors despatched to India 419 packages of clothing and 349 packages of boots—in all 768 packages—and Sir James Outram took them with him to Persia. These were not symptoms on the part of the Directors of inability to do the work which had been intrusted to them. In all these and other cases the responsibility of approval of proposed measures rested with the President; and the responsibility of execution with the Directors. The new Bill would not make the responsibility of the President more distinct or certain, and it would take away the prudent council,—the moral check, and the executive power of an efficient body.

He now passed to another and very painful subject, but having expressed in August last his opinions with regard to the mutiny he would not trouble the House with more than a few words on the present occasion. Everything that had come to his knowledge since—whether in the shape of Parliamentary papers or in that of private communications from India or the confessions of condemned Sepoys—confirmed him in the belief that the origin of the mutiny was a frantic delusion on the part of the Sepoys of the Bengal army that the Government were going to degrade them from their caste. He was convinced also that the mutiny was entirely a military one in its origin, arising from religious panic—a panic which was taken advantage of, after the outbreak, by the majority of the Mahomedans in India to promote the restoration of their former power. There were no organized conspiracies among the troops, no common sympathy even, until the punishments took place at Meerut. From the moment that those eighty-five troopers were condemned to ten years in irons —from the moment they were paraded in the presence of their comrades, and three hours were taken up in fixing the irons upon them—from that moment an electric shock of sympathy went through the whole army. Up to that time there had been doubts and alarms, but no common sympathy or understanding. Then, however, every Sepoy in the Bengal army made the case of the condemned his own. Although the Government never intended that the objectionable cartridges should be used by the Sepoys, and withdrew them at the earliest period—and they never were in fact delivered out to the army, but only

to the depôts of instruction—each man said to himself, "I shall be ordered to use these cartridges; I must disobey; I shall therefore be condemned to ten years in irons, and consequent loss of caste, and the question now with me is submission or the extermination of my officers." We had seen the alternative which the Sepoys took, and the unhappy results of it; but the cause of their mutiny was so simple and plain that it needed no other explanation than the one he had now given. Predisposing causes there were, no doubt, but ample reference had already been made to them in debate, and the main, the immediate cause, was that which he had stated. If we had had the good fortune to have at Meerut a man like Gillespie, who put down so promptly the mutiny at Vellore, or if the course pursued at Hyderabad had been adopted in the first instance, the outbreak might have been extinguished at once. It was a mistake to suppose that the disaffection did not extend through the whole Madras army, in 1806; and at Hyderabad the men would have broken out into open mutiny, as at Vellore, had not Colonel Montresor, upon learning the state of feeling among the Sepoys, taken upon himself the responsibility of abrogating the obnoxious order respecting the removal of their caste marks. This deference to their feelings entirely satisfied the men; the Madras army had remained faithful ever since, and its loyalty has proved of the utmost consequence to us; without it, indeed, we might have been driven to the coast.

To pass to another equally painful subject—a subject upon which a great deal had recently been said in the pulpit and on the platform—said, too, wrongfully and unjustly to the great damage of the East India Company in the public mind—that the East India Company and their servants in India had denied Christianity, and had not manifested a proper sympathy with the Christian movement going on in India. Now, that might have been true in by-gone times, but it was no longer so; nor, to his own personal knowledge, had it been so for the last thirty years. Why, in India the Company proclaimed its Christianity at the cannon's mouth by saluting the Bishops when they arrived at military stations. The Sepoys necessarily asked the cause of the salute, and were told it was to do honour to the head of the Christian Church, the Lord Padre Sahib! Here was no timid concealment or denial of our Christianity! But to show that the East India Government, nevertheless, had not been slow in giving executive proofs of their anxiety to promote Christianity in India, he had had a return laid before the House of Commons relative to the East India Bishops and the ecclesiastical establishment in India from 1836-7 to 1855-6. From this return it appeared that the salaries of the Bishops in the three Presidencies had remained the same—namely, the Bishop of Calcutta, £4,598 per annum, and the Bishops of Madras and Bombay, £2.500 per annum each. The visitation allowances of the Bishop of Calcutta had been increased from £104 in 1836-37, and ranged up to £2,931 in 1844-45, and fell to £752 in 1855-56. The chaplains increased in number from thirty-nine to sixty-eight, and their salaries had risen from £38,537 to £51,031. The chaplains of the Church of Scotland, he was sorry to say, remained the same, from the first mentioned year to the last. The expenditure for Church establishments had risen from £3,420 to £6,467, and the allowance to Roman Catholic priests had increased from £485 to £2,725. In Madras the number of chaplains had risen from twenty-three in 1836-37 to thirty-five in 1855-56, and their salaries from £19,153 to £25,056. The expenditure for Church establishments had risen from £1,938 to £2,636, and the allowances to Roman Catholic priests had increased from £808 to £2,580. In Bombay the number of chaplains had risen from fifteen in 1836-37 to twenty-six in 1855-56; and when he first went to India there was but one for the Bombay Presidency. Their salaries had increased from £13,005 to £18,036. The expenditure for Church establishments had increased from £1,741 to £2,021; and the allowances to Roman Catholic priests had risen from £552 to £3,147. In addition, £31,457 was expended in Bengal for the building and repair of churches from 1832 to 1852, and £51,192 was expended for the same objects in the Punjab and Bengal for seventeen new churches between 1853 and 1856. In Madras, £30,875 was expended for the same objects, and within the same periods, and in Bombay, £28,164; and it will be borne in mind that all this outlay, of £2,453,882 in twenty years, for Christian purposes, was from taxes paid by heathens and idolators. So far, then, as the Church establishment was concerned, the Indian Government had, at all events, shown a disposition to promote Christianity. But it had done much more than that, and

had given grants of money to all the missionary schools, precisely as to the Government schools, for the purpose of promoting the education of the scholars, whether converts or not. He would read, in order to show what the real state of things in India was, the following extract from a religious journal in Edinburgh, recently sent to him—

"About five years ago a document was published by the Rev. Joseph Mullins, of Calcutta, entitled 'Statistics of Missions in India and Ceylon,' from which the following extract is taken :—'At the commencement of the year 1852 there were labouring throughout India and Ceylon the agents of twenty-two missionary societies. These include 443 missionaries, of whom forty-eight are ordained Natives, together with 698 Native catechists. These agents reside at 313 missionary stations. There have been founded 331 Native churches, containing 18,410 communicants, in a community of 112,191 Native Christians. The missionaries maintain 1,347 vernacular day schools, containing 47,504 boys; together with ninety-three boarding schools, containing 2,414 Christian boys. They also superintend 126 superior English day schools, and instruct therein 14,562 boys and young men. Female education embraces 347 day schools for girls, containing 11,519 scholars; and 102 girls' boarding schools containing 2,779 Christian girls. The entire Bible has been translated into ten languages; the New Testament into five others, and separate Gospels into four others. Besides numerous works of Christians, thirty, forty, and even seventy tracts have been prepared in these different languages suitable for Hindoos and Mussulmans. Missionaries maintain in India twenty-five printing establishments. This vast missionary agency costs £190,000 annually; of which one-sixth—or £33,500—is contributed by European Christians resident in the country.' At every station there has been some degree of success; there are some villages composed entirely of Native Christians; in the principal cities in which the missionaries have been located the trust of many of the more intelligent of the Natives in the faith of their forefathers has been shaken, while they are impressed in favour of Christianity; in the boarding-schools many young people of both sexes have been converted to the purity of the Gospel; and the solemn scenes of the hour of death have proclaimed that in the near prospect of eternity the hope of the sufferer has been placed upon Christ. The Native Christians have been exposed lately to the same indignities as Europeans in the massacres of the Sepoy war; and, so far as our information enables us to judge, they have been equally faithful in the hour of mortal peril."

The result was thus summed up :—

"Happily, many of the murderous customs that were prevalent at the commencement of the present century are now interdicted. The widow no longer burns on the funeral pile of her husband, or is buried by his side. The deluded victim is no longer permitted to throw himself before the wheel of Juggernaut's car. Ghat murders are no longer committed with impunity. Old men, old women, and children are not now thrown to the sharks at 'the place of sacrifice' in Saugor. Thuggism has been abolished. Slavery is no longer legally upheld. These rites, and others of a similar character, have gone 'with the dust of dead ages to mix.' The connection of the East India Company with idolatry in its more open and offensive forms has ceased. The evils that yet remain will be exposed in these papers. Until the recent outbreak the residents in India, both Native and European, thought themselves as secure as in any country of the world. The plains of Bengal had been free from the scourge of civil war since the Battle of Plassey, fought in June, 1757. Until recently the press was free. The proceedings in the Courts of Justice are conducted in the Native languages. The out-caste has the same protection as the twice-born Brahmin. Hospitals and medical colleges have been instituted. There is a cheap, regular, and uniform postage. The electric telegraph is in operation; extensive canals have been dug and irrigation assisted; railways have been commenced; and transit dues on interior commerce have been abolished. For these ameliorations, as 'concerning the kingdom,' the benefits derived from the Government of the East India Company are gratefully acknowledged; their sway has been an unspeakable blessing to these lands; but 'occasion and fault' still lie against them as 'concerning their God.'"

Will the noble Lord prosecute his Bill with such a eulogium from a missionary society before him?

Now, one would suppose that all these praises were uttered by warm advocates of the East India Company.—they were uttered by a missionary journal published in Edinburgh, and might therefore be taken as the true exponents of the feelings at all events of that part of the religious public who did not think that the Indian Government denied its Christianity in India. The work he alluded to was the *Journal of the Indian Christian Association*, published at Edinburgh on the 1st of January, 1858. Nevertheless, the same association in November last presented the following petition to this House :—

Petition Presented by the India Christian Association to Parliament.

"That your petitioners deeply affected by the calamitous events that have happened in India, have thereby been led to review with increased solicitude the course of policy pursued by the British Government throughout that vast dependency; and while they readily acknowledge that great benefits have accrued to the Native population from the just and humane rule to which it has been subject, your petitioners deplore the public reproach brought upon this Christian country by the countenance given to the debasing practices of the heathen by British authority. They are aware that, in some respects, this evil has, of late years, been greatly mitigated; but, from facts that have been made known to them, they lament to think that the baneful system of caste is still upheld by Government, that the connection between the

Government and the Hindoo temples has not entirely ceased, and that, in various instances, there has been discouragement of Native converts to Christianity, who have been treated as if disqualified for employment by the Government, in direct opposition to the course of a wise and impartial toleration. Such a policy, inconsistent with the principles of Christianity, and with the principles of the British constitution, is now seen, in the light of experience, to be moreover highly inexpedient.

"May it therefore please your honourable House, in any measures which, in your wisdom, you may see fit to adopt for the better government of India, to provide that this public reproach be rolled away, by taking immediate steps for the complete removal of all Government encouragement of the pernicious system of caste, all public support of idolatry, and all obstructions to the profession of Christianity by the Natives, or to the free promulgation of the truths of the Gospel.—And your petitioners will ever pray."

Twenty-one other petitions have been presented to this House for the removal of the system of caste—against the public support of idolatry, and for freedom in religion; amongst which was one complaining of the gigantic obstacles which now exist to the spread of Christianity in India. He had proved to the House, from official returns and from missionary statistics, that the Directors of the East India Company and the Government in India did not oppose any obstacle whatever to the diffusion of Christianity in India; so far from it, missionaries of all Christian nations, and of all sects, roam over India at their pleasure, and instead of obstructing them, their labours were looked upon as advantageous to the country in assisting to educate the people; and their personal conduct was creditable to the European character in the examples they give of a true Christian life. But it is asserted that Christian converts are looked upon unfavourably, and cannot obtain employment under Government.

An instance showing the unfounded character of the allegation that Christian converts were not treated like Europeans had just come to his knowledge. At Kurrachee, in Scinde, there was a convert employed in the revenue department as an assistant. The collectors, it appeared, had to go into the districts two or three times a year; and the European assistants and the Portugese half-castes had batta allowed them—that was to say, extra pay—when on these journeys. The Native convert was not at first allowed the same amount of travelling expenses as the European officials were; but he applied to the Bombay Government under Lord Elphinstone, representing that, as he was no longer a Hindoo, he could not, when travelling in the country, accept or be offered hospitality by his friends, and therefore he ought to receive the same amount of travelling expenses as the Europeans. The Bombay Government, having considered that memorial, issued an order that the Christian convert should be put on the same footing as the European. What became, then, of the assertion that Christian converts were viewed unfavourably, and treated as if disqualified for employment by the Government in direct violation of just and impartial toleration:—and yet such was the language of petitions to the House of Commons! On the contrary, the Governments in India issued circulars annually to the heads of all colleges and schools, whether Government or Missionary, to send in the names of the most intelligent students as candidates for public employment, without reference to their religious beliefs; and in the three armies of India, Native Christians are entertained as musicians and drummers, and even in the ranks. The Bengal army had, in 1852, not less than 1,118 Christians; the Madras army, 1,663; and the Bombay army, 300. In 1850 a law was passed by the Legislative body in Calcutta giving to Christian converts, either from Hindooism or Mahomedanism, the right of sharing in the family property from which they were formerly excluded by becoming Christians, according to the ancient religious laws and usages both of the Hindoos and Mahomedans. This had created a great sensation in India, for a Hindoo son was bound to perform certain religious services for the benefit of the soul of his father, just as Catholics would have to perform masses to get the souls of their relatives out of purgatory, the Hindoos believing in the transmigration of souls. It was a direct interference with the religious institutions of the Hindoos, and it certainly was no proof of our having denied our Christianity in India. Suppose that one of our historic Catholic families—a Talbot for instance—were to entail an estate upon the eldest son of the family on condition that he always remained a Catholic, and that the Protestant Parliament of this country should pass a law by which a younger son of that family, if he became a Protestant, would be entitled to share in the estate, what would be said in England of such a proceeding? It certainly would not be a denying of Protestantism, and yet it was exactly analogous to what we had done in

India; nevertheless we were accused of denying our Christianity. He had served a great part of his life in India; he trusted he was not deficient in Christian usages, feelings, and sentiments; the accusation, therefore, that he had denied his Christianity while in India was personally offensive to him; and in the name of the 5,842 British officers and gentlemen now serving in India he protested against that accusation as being as offensive to them as it was unjust. The parties who made that accusation would have done well to remember the Apostle Paul's commendation of charity. He hoped he should not be misunderstood. He highly approved the attempt to spread our holy religion in India—a religion which humanized all who adopted it—but for our own sakes that attempt ought to be made with prudence and circumspection, having before us always the inflammable materials with which we had to deal and the bigoted prejudices of the Natives, particularly in the fatal obligations of caste. Sir Thomas Munro says:

"In every country, but especially in this (India) where the rulers are so few and of a different race from the people, it is the most dangerous of all things to tamper with religious feelings. They may be apparently dormant; and when we are in unsatisfactory security they may burst forth in the most tremendous manner, as at Vellore. They may be set in motion by the slightest casual incident, and do more mischief in one year than all the labours of missionary collectors would repair in a hundred. Should they produce only a partial disturbance, which is quickly put down, even in this case the evil would be lasting; distrust would be raised between the people and the Government which would never entirely subside, and the districts in which it happened would never be so safe as before."

Alas, these words are prophetic of the bloody events which we are now lamenting! Not less decided were the opinions of the celebrated Abbe Dubois, who passed thirty-two years of his life as a missionary amongst the natives of the Madras territory, and who made between 200 and 300 converts; but they were all from the low castes, and became Christians, as he said, with few exceptions, from interested motives. In the Abbe Dubois' published work occur the following passages:—

"The Hindoos are a people entirely different from all others. You may, if you choose, exercise over them the most despotic sway; you may oppress them by every kind of tyranny; you may overload them with taxes, and rob them of their property; you may carry away their wives and children, load them with chains, and send them into exile—to all such excesses they will, perhaps, submit; but if you speak of changing any of their principal institutions, either religious or civil, you will find a quite ungovernable people, never to be overcome on this point; and it is my decided opinion that the day when Government shall presume to interfere in such matters will be the last of its political existence.

"All know that nothing is better calculated to produce irritation, opposition, and resistance than contradiction; above all, when the contradicted party is the strongest and most obstinate. Now such is precisely the effect produced by the interference of the new reformers with the prejudices of the Hindoos, and I have reason to apprehend that the opposition of the latter will increase in proportion to the extent of the contradictions to which they may be exposed, until it shall finish by some explosion, which may make all India a theatre of confusion and anarchy, to which it will be in the power of no Government to apply a remedy.

"From my Mata, near Seringapatam,
"15th December, 1820."

Here, again, is a prophecy and by a Christian missionary, now too unhappily fulfilled. In the face of these opinions and facts, do the petitioners to this House really wish the Government to put down the caste of 160 millions of Hindoos? Could the Government do that, and dare they attempt it?

He had dwelt at some length upon this all-important subject, because if the proposed Bill were to pass, and the uncontrolled Minister of the Crown were to act upon the views of the petitioners to Parliament, or if he were imbued with the feelings expressed in the following extract from the *Church Missionary Intelligencer*, for January, 1858, the Government of India would not only be impracticable; but we might risk the massacre of every European in the country, and cause it to be deluged with blood:—

"Under Havelock, the 78th Highlanders and their fellow-soldiers fought that series of desperate engagements which rescued blood-stained Cawnpore from the hands of the cruel Nana, and relieved Lucknow before the vindictive multitudes by which it was hemmed in had overcome the constancy of its brave defenders, and perpetrated anew atrocities, the remembrance of which can never be erased, so long as a Mohamedan mosque or a Hindoo temple remain to remind us of them. Until these abominable systems, stained as they are with the blood of innocents, have been swept away, and the land washed from its deep stain of blood by the living power of Christianity, then and not until then, can these wrongs cease to be remembered."

The Archbishop of Dublin, at a meeting of the Church Missionary Society reported in the public journals on the 5th of February, 1858, took a much more prudent but not less Christian view of the duties of the Indian Government. He said that—

"The propagation of the gospel in India, instead

of conducing to the revolt, had been one of the greatest checks to it. The people of India did not fear the missionaries, but they feared an attempt on the part of the Government to convert them by force. Government has not prevented the establishment of missions. I take this occasion to state distinctly, that I earnestly deprecate all allusions to Government. I may add, that as I shall, of course, deprecate the opposition of Government to our efforts, so I shall, if possible, still more deprecate any assistance of Government, as government, to it, as it will excite the greatest degree of suspicion and alarm, and raise the greatest prejudice against Christianity. I should say, that the maxim of this society, as a missionary society, with reference to Government, ought to be the same as the answer given by the French merchant to the minister who asked how Government could aid and forward the commerce of France. His answer was, '*Laissez nous faire*'—let us alone. * * I do think that the calamities in India are in some degree to be considered as judgments, not supernatural, but natural, upon our culpable neglect in not having overspread the whole peninsula of India, which it was free to us to do, with missionary stations and schools for those of the Natives that chose to frequent them. And I do hope that we shall learn wisdom by what has passed."

He concurred entirely with the Archbishop, who feared the interference of Government; for it must never be forgotten that we are but as one to 4,000 of the Natives; and for the sake of our safety, therefore, our efforts ought to be limited to appeals to their reason and judgment, and not be associated with demonstrations of the State to raise their hostility.

He would pass now to the question of patronage. This Bill would make the Minister of the Crown the despot of India. All the great offices of State in India were at his disposal; he gave them as he pleased. But the great offices of State were not the only disposable places. There were in India many offices, both civil and military, of from £3,000 to £4,000 a year, the patronage of which had hitherto remained in the hands of the Governor General and the Governors of the Presidencies; but when the Minister was no longer checked by independent men sitting in Leadenhall Street, who knew how every appointment was given away, might it not be expected that he would interfere in some of those appointments by means of his direct communications with the Governors in India, without this House knowing anything about the matter? The major part of military cadetships were to be given to the Councillors. That was a very proper arrangement as far as it went, but, as these Councillors were to be appointed by the Indian Minister, might it not be supposed that he would have some little influence over his nominees? A part were to be set aside for the sons of old officers. That plan had often been considered at the India House, but had been found to be totally impracticable. There would be at least from 1,200 to 1,500 claimants for the ten, twenty, or thirty appointments which might be set aside, and who was to decide between them? One would support A's claim, another would think B more deserving, and a third would be for giving it to C; so that it would have to come to a toss up or a decision by ballot. It was found utterly impracticable to carry out the suggestion, and the matter was left by the Court as it stood. From a Return which he had lately obtained it would be found that the total number of cadetships given away from 1840 to 1855 was 5,477. Of these 1,865 had been given to the sons of military, medical, or marine officers, of chaplains, and of civil servants in the East India Company's service; 717 had been given to the sons of military, naval and medical officers in the Queen's service. Clergymen, the preachers of peace, would appear to have a belligerent progeny, for 580 cadetships had been given to their sons, and the remaining 2,315 had gone to the middle classes of society. He had no hesitation in expressing his firm conviction—and he felt sure that all his colleagues would say the same—that not one of these cadetships had been given away for party purposes. When the subject was considered in a higher point of view, as operating on parties in this country, what did we see? Of course, the party in office at the time took care to sanction only as Governor General one of their own side in politics. There was a proof of this in the case of Lord Heytesbury. No sooner had that noble Lord been appointed than the Whigs came into power, and though he had embarked they immediately put a silver oar on board the vessel on which he was and brought him back. In fact, just as parties were in or out, so were the ins and outs of Governors General of India. That was dangerous, to say the least of it. There was a mistaken impression in the country that the appointment of the Governor General originated with the President of the Board of Control. Such was not the case; but the course of proceeding was this:—the Chairman of the Court of Directors, having ascertained the feelings of the majority of the Court, proposed a certain name to the President of the Board of Control, and in case that

name proved acceptable it was submitted to the Court of Directors, and the appointment was made by ballot, and he was sworn in as a Company's servant in the same manner as the humblest cadet would be. But as the President of the Board of Control could veto any name proposed, the practical result was that a party man only would be accepted; the Directors, however, by the power they possessed, being able to prevent the appointment of an admittedly incompetent or dangerous person; and in consequence, with rare exceptions, the Governor General and Governors of Presidencies had been men of ability. Not so with the great military commands; and it had been the curse of India, that the Court of Directors had no power to object to any military nominee for high command. Those appointments were made by the War Department. They simply communicated to the Court that so and so had been appointed Commander in Chief or General on the Staff, and he was sworn in as a matter of course, the only discretion which the Court had power to exercise being as to whether or not they should make him a Member of the Council. The consequence of the absence of all control on the part of the Court in the appointment of the Commanders in Chief had been most unfortunate for India, and damaging to our reputation. There was Sir John Cradock—a military martinet, ignorant of the prejudices and feelings of the Madras soldiery—interfered with the religious usages of the Sepoys, and a mutiny in the Madras army was the result. An amiable man, but one quite incompetent from the state of his health, was appointed to command the Cabul force, and the result of his want of energy or bad health was, that the whole of that force was lost, and their bones lie bleaching in the passes of Affghanistan. One European doctor alone escaped out of 15,000 men. He had witnessed in the Court of Directors the appointment of a Commander in Chief who, after having been sworn in, had to return thanks. That Commander in Chief was so weak that he could scarcely rise from his chair, and he believed that he never mounted a horse in India. He had seen another Commander in Chief sworn in who was so blind that on retiring from the Court he would have run against the edge of a screen but for the interposition of a Director. Again, there had been the appointment of another Commander in Chief, an amiable man, a loveable man, and, he was told, an able man, and one much liked where he had been; but he had never been out of Europe, and he was necessarily entirely ignorant of the country and the people of India, and of the peculiar constitution of an Indian force, and as such he ought not to have been placed at the head of the Indian army, and we had now to deplore for the second time the mutiny of an entire army upon religious grounds. Whatever alterations might take place in the Government of India, he trusted that some provision would be made that the officers sent out in future to command the Indian army should, at all events, be free from physical infirmities, and should have some knowledge of the Natives. In the remarks which had been made on the subject of patronage no account had been taken of the enormous number of uncovenanted officers in India, of whom there were some thousands. Hon. Members all knew from experience the solicitations for appointments to which they were subjected from certain of their constituents, and he feared that these solicitations would be increased if the check of Leadenhall Street be withdrawn in the case of appointments of this description, which hitherto had been left entirely with the local authorities in India, but which might be interfered with by recommendations from home under a direct Government; and Brown, Jones, or Robinson, *protegés* of Members, might find themselves with snug berths, whether they were adapted to them or not, at the cost of the interests of India. Let the House reflect that the proposed Bill would give to the War Department and Horse Guards the additional patronage of an army of 300,000 men—the control, if not the direct nomination to all staff offices in India, and the Minister would directly nominate to all great civil offices, and might indirectly nominate to all other civil offices whatever! Would the House consider the constitutional liberties of the country safe by such gigantic influence being in the hands of military and political servants of the Crown in this hitherto free country? In the change which it was proposed to make in the Government of India he trusted that the past management of our Colonies was not to be the model on which the Government was to be framed; for that afforded but a sorry guarantee for success in the future conduct of Indian affairs. Were we to go through the ordeal

of a battle with India, and possibly ignominous defeats, similar to those with the North American States, ending in final separation? Or were we, as in Canada, to force a rebellion and acknowledge independence? Or, as in the Cape of Good Hope, produce resistance to Imperial authority, Caffre wars, at the cost of three millions sterling, and virtual independence? Were we to have Parliaments with the twenty nations of India, after the fashion of Australia? or were we to reduce India to poverty and ruin, like the West India colonies? or provoke rebellion and outbreaks every two years, as in Ceylon, despite its vaunted administration by governors, whose average duration of office was two years and ninety-nine days, as held up for the approval of the House by the hon. Member for Devonport, in utter oblivion of the past history of the island? He asserted that India would not be safe in the hands of men wholly ignorant of the country, and of the habits and temperament of the people, and that there could be no guarantee for the security of that great empire unless it were governed by experienced men, who were thoroughly acquainted with India and the varied institutions of her twenty nations.

He came now to a subject of deep importance to Liberal Members on the Ministerial side of the House and to the constitutional interests of the country. He would illustrate every Liberal Member's position by his own. He was a Liberal—or something more. He considered himself to be a constitutional Whig at present. At Aberdeen he had assured his constituents that he would do all in his power to assist in carrying a Reform Bill; and for what object was that measure to be introduced? Was it to increase the power of the Minister? He presumed not. Surely a Reform Bill should be introduceed rather to increase the power of the people in that House, and to diminish the power of the Minister. That being his opinion as to what the Reform Bill ought to effect, how, on earth, could he meet the taunts of his constituents when he went back to them—as he hoped he soon should, with a Reform Act in his hand—if they should say to him, "Sir, you voted indeed for a Reform Bill, but at the same time you voted for a Bill that will make the Prime Minister the despot of the House." It might be his misfortune that he had read Locke, and that his mind had been somewhat trained to logical deductions and to acknowledge the power of a syllogism, and that he could not consider free institutions compatible with the powers of an autocrat, and that consequently he must have voted against the noble Lord's Bill upon constitutional grounds, and wholly independent of any personal considerations whatever. He hoped that hon. Gentlemen who proposed to vote for the India and Reform Bills, would be able to solve the difficulty in the presence of their constituents better than he should be able to do. The noble Lord, of course, expected that his proposed system of governing India would be characterized by a consistent and permanent policy; but how was it possible to have a consistent and permanent policy for India, while the Minister for India went out with every change of Administration? What would have been the result of the constant changes of Administration that had been made in past years if India had not had that "consistent and permanent" body which this Bill would annihilate? From the year 1784, in which Pitt's Bill—which, he must say, was infinitely more liberal than that proposed by the noble Lord—was introduced, there had been twenty-eight Presidents of the Board of Control, making the average duration of the official life of each just thirty-one months and a half. How was it possible for any man, whose official life did not exceed thirty-one months and a half, to administer any government upon a consistent and permanent policy? But the permanent Court of Directors prevented the evils which would otherwise have resulted from these frequent changes. He could not say whether the noble Lord wished, by introducing this Bill, to compensate himself for the loss of power which his Reform Bill would occasion him; but that idea possibly may have intruded itself. He had demonstrated to the House that there was no foundation in fact for the noble Lord's statement, that the acts of the Court of Directors impede the machine of Government, and that it is therefore necessary to abolish the East India Company. Admitting, however, the existence of impediments; they have been in operation for three quarters of a century, and have been compatible with great material and moral progress in India, and consequently there can be no immediate pressure for a change of government which will alarm the people of India, and indeed be a premium to mutiny. Have the members of the Court of Directors also, no claim to consideration; men of position, ability, and reputa-

Colonel Sykes

tion, who as the executive portion of the Home Indian Government have in no instance failed in their duties. Who in fact hold their office for terms of years by elections under an Act of Parliament, which, if the noble Lord can induce the House to abrogate, then no charter or rights of any corporation whatever will be safe. As the noble Lord has not adduced any sufficient public grounds, there surely must be some latent grounds for crushing the Court of Directors, and holding them up to degradation in the eyes of Europe; for their summary and unexpected dismissal must necessarily have that effect. Does the noble Lord mean to attribute the mutiny in the Bengal army to the mal-administration of the Court of Directors, when the supreme Government has told him it came as unexpectedly upon it as upon the authorities in Europe. It cannot be that the noble lord gives credit to the crude assertion, that in the present bloody contest in India, the Queen's name would be equivalent to an army of 20,000 men. The hon. Member for Reigate (Sir Henry Rawlinson), who was very deservedly cheered the other night for the ability he possessed —as an antiquarian—told them that the Queen's name was a host; but he disputed the hon. Gentleman's knowledge of India. That hon. Gentleman has spoken of his experience of thirty years, but it had been chiefly in Mahomedan countries out of India; for, to qualify him to take his seat in the India Direction by having passed ten years in India Proper, it was necessary to have recourse to the Ayeen Akbari, or Institutes of Akbar, and to admit that Affghanistan, in which the hon. Member had served, was once a province of India Proper. Now, the hon. Member must know, or ought to know, perfectly well, that there had not for six centuries been a Queen upon the throne of Delhi, nor a Queen upon any one of the five Mahomedan thrones of the Deccan. He ought to have known also that the Mahomedan law did not permit a female to succeed to the administration of political authority; and it was equally the rule and usage with the Hindoos. It was quite impossible for the Natives of India to appreciate the affectionate loyalty, the devotion, and in fact, the love—if I may use such an expression—which Englishmen entertain for their Queen—and which I most heartily and devotedly entertain; but if the Government of India were at present to be transferred to the Crown, the Queen's name amongst the Mahomedans would be introduced as "Padisha Begum"—that is to say, the Wife of the King; and it would be asked, "but where is the King?" Amongst the Hindoos, who were equally opposed with the Mahomedans to the exercise of administrative political authority by females; the Queen's appellation would be "Maharanee," Wife of the King or Prince. There had been one or two occasions on which females had been regents for their sons, but a male has always been the object of regal succession. The statement of the hon. Member for Reigate, therefore, was not supported by historical facts, nor by the usages or expectations of the people of India. With all anxiety, therefore, to introduce the Queen's name, let not her name be introduced under a misunderstanding of the supposed effect. Let them have the Queen's name by all means on a proper occasion and at a proper time, but this was not the proper time. There was now surging in India a feeling of panic and alarm which might burst out from one end of the country to the other—from the Himalayas to Cape Comorin. What effect would a change of Government produce in India? First of all, the Sepoys and those connected with them might say, "Oh, this mutiny of ours has succeeded, at all events, in putting down one Government—we have only to try again and we shall upset another." The present agitation in India ought to be allowed to subside, the people to be tranquillized, and their fears to be allayed, before any idea of changing the Indian Government was entertained by Parliament; for was it not well known that in many parts of India the remnant of Native troops that had remained faithful mutinied not only at the eleventh hour, but at the eleventh hour and fifty-ninth minute, because, on hearing of the arrival of additional troops in India, they were seized by a fear of being exposed to European vengeance? Their belief was that the Europeans were coming for the express purpose of putting them to death with degradation, and they preferred death without degradation; the people at large also would consider the change of Government intended to carry out the exclusive views expressed by the Europeans of Calcutta and by part of the press in England; and most of all would they believe that the change was intended to carry out the views promulgated from the pulpit and the platform at religious

meetings. It would be perfectly absurd to suppose that they could get on in India without a very large Native army; and they could never have that without respecting the prejudices of the Natives. The present vivid impressions from the blowing away from guns, and from the almost unrestrained power of multitudinous hangings, which Lord Canning has so humanely and judiciously endeavoured to limit, and the religious panic about caste degradations would have passed away, or be so weakened, ere long, that a change of Government might be effected without its object being misconstrued or dreaded; but my decided opinion is, that it would be wise to let that administration alone which has been not only compatible with, but has promoted the material welfare of the nations of India and the development of the resources of the country. I care not what form of Government it is, provided it protects the rights and privileges of the people, insuring to them equal justice with their Eropean fellow-subjects: and if Parliament should insist upon the abolition of the so-called double Government, then let its initiative be the doing away with the Board of Control—introducing the Queen's name—the constituting a Council sufficiently numerous to do the work of administering an empire of 181 millions of souls, —placing at its head a Minister of the Crown, with the same powers and functions, and standing in the same relation to the Council as the Governor General of India does to his Council, and the giving to that Council an assurance of independent action. Above all things, he besought the Liberal Gentlemen in that House to preserve the elective principle. If their professions to their constituents were worth a rush they would do so. They might then govern India well, and keep its administration free from party influences. Such being his views, he had been compelled to trouble the House at some length, and he would conclude with the words of a Resolution which had been unanimously agreed to at a meeting of the East India Company after a debate of four days, and which had been conducted with an amount of eloquence, ability, and of prudence and judgment which would have done honour to the House of Commons itself. That Resolution was, "That the proposed transfer of the governing powers of the East India Company to the Crown is opposed to the rights and privileges of the East India Company, is fraught with danger to the constitutional interests of England, and is perilous to the safety of the Indian empire."

SIR C. WOOD then rose and said,—It was my duty, Sir, five years ago to propose to this House a measure under the provisions of which the Government of India is at present administered, and I hope therefore that the House will not think it unbecoming upon my part if I am anxious to address to it a few observations on the present occasion. I think, in fact, that the House will consider it my duty, and will expect me to say a few words with reference to the Bill which is now brought forward by the Government, and I wish to do so more especially because the hon. Member who moved the Amendment seemed to imply that there must have been something like insincerity on the part of the Government of Lord Aberdeen in reference to that measure. Now, the Act of 1853 did not change the form of the government of India, but it changed in a most important and decided manner its constitution. It is not necessary for me to refer to those more ancient times when the East India Company were, as the hon. and gallant Gentleman who spoke last seems to imagine they are at present, the independent and sole governors of India. That they were so once is no doubt true, but that has ceased to be the case since the year 1784, and my right hon. Friend near me (the Chancellor of the Exchequer) in that able summary which he drew of the history of the government of India and of its constitution, I think, clearly showed to the House that since the year 1784 the East India Company have been governors of India in name, indeed, but that they have never since that period had the exclusive or independent government of India. It is necessary to observe that the most important change which has been made in the constitution of the government of India since 1784 was the change which was made by the Act of 1853. The changes which had been made upon former occasions had indeed stripped the East India Company of some of its commercial privileges, but as far as the government of India was concerned matters had remained in the same condition since the year 1784. In the year 1853, however, we destroyed the constitution of that independently elected body, as the gallant Gentleman called it, by introducing into it a certain number of persons nominated by the Crown, and thus destroyed thence-

forth and for ever the elective character of that body, and I do not believe that by so doing we in the slightest degree diminished its independent character. I was told at the time that the nominees of the Crown would be party men, that they would be subservient to the Minister of the day, and that they would impede the action of the elected members; but I appeal to the hon. and gallant Gentleman himself, and to those elected members of the Court of Directors who have seats in this House, whether those predictions have turned out true or false. I ask them whether those gentlemen nominated by the Crown have not as faithfully, as fairly, and as independently exercised their functions as those elected by the Proprietors? I well know what the answer will be, and the best proof of what it will be is in the fact that one of those gentlemen has himself been nominated by his brother Directors, and the circumstance is as much to his credit as it is to their honour, to be their Deputy Chairman. We may learn from this not to be so much alarmed by those predictions of danger from further changes as the opponents of the measure wish the House to believe, and that nomination by the Crown by no means implies want of firmness and independence on the part of the nominees. The hon. Gentleman who has moved the Amendment bore testimony to the success which had attended the action of the Court of Directors as at present constituted, and I am not ashamed to say that I am sorry that circumstances have occurred to render it advisable in the opinion of Her Majesty's Government to put an end to that government as at present constituted. In 1853 the question of transferring the government of India to the Crown was fully considered by the Government of Lord Aberdeen, and there was a great deal then to be said in favour of that line of policy, but the Government came to the conclusion that it was not the time to propose so great a change, and they thought it more advisable to adopt the course which they did upon that occasion. But, although they did not then propose to transfer the government of India to the Crown, that alteration was by no means lost sight of, and hon. Gentlemen may perhaps remember that in that debate the possibility of adopting the policy which we now propose at a future period was distinctly alluded to. We did not bring in that Bill in 1853 with the notion, or intention, or for the purpose of subverting the Court of Directors, but we brought in that Bill because we believed that the form of government proposed by it was that which was at that time the best adapted for the conduct of Indian affairs. I stated, however, in introducing the measure, that at some future period a further change might be required, and that the measure which we proposed was calculated to render that change, if it became necessary, more easy and less dangerous than it would otherwise be. I am most anxious that on this point the Government of Lord Aberdeen should stand clear before the House, particularly as the hon. Gentleman who moved the Amendment seemed to imply that we had displayed something like insincerity, and I therefore shall take the liberty of quoting the words which I myself used in 1853, not that I wish to attach any unreasonable importance to any words of mine, except in so far as that upon that occasion I was the organ of the Government in proposing the measure:—

"We think it far wiser and safer to maintain the present form of government, and to improve its constitution in such a manner that, while it will be rendered a more fitting instrument for the good administration of Indian affairs, the change which we propose will in some respects render it more easy to do at a future time what circumstances or an extension of the information on the subject of India may render fitting—viz., to assume the Government of India in the name of and the immediate power of the Crown." [3 *Hansard*, cxxvii. 1153.]

Well, Sir, the question was raised, whether the form of Government which we then proposed should be continued for a fixed period. We considered it to be a wiser course not to assign any fixed period for its continuance, and I then said:—

"We do not think it fair to tie up the hands of Parliament so as to prevent its making any change that may, even in the course of a short experience, appear desirable. The times change, and in these days no man can say how soon the necessity for alterations may arise."—[*Ibid.* 1155.]

Well, Sir, another Member of the Government also spoke upon the occasion, my right hon. Friend the Member for Carlisle (Sir James Graham), and he said:—

"In twenty years hence the Government of India must be exclusively in the hands of the Crown. Possibly that event might be anticipated, and it might become necessary for the Crown to take the Government earlier; but the great object was, on the part of the Government which introduced the measure, and on the part of the Legislature which had to deal with so important a matter, to make that inevitable change, come when it might, as little convulsive and as easy in its transition as legislation could make it. His

own confident belief was, that the proposition made by Government was based on that view. He believed that the introduction into the direction of a small proportion of Directors nominated by the Crown would form the nucleus of a consultative body hereafter, which should be the Council of the sole Minister of India, named by the Crown."—[3 *Hansard*, cxxix. 70.]

I think these two passages sufficiently indicate that in the Bill which we proposed in 1853 we contemplated that a measure like the present might be necessary at some future time—it might be at the end of twenty years—it might be much earlier, if circumstances or experience rendered it advisable. I distinctly stated that it was impossible to say how soon circumstances might make such a change inevitable. We avowedly left it open for Parliament, without any breach of faith or any contradiction of that which we professed at the time, to do what even then many Gentlemen deemed to be indispensably necessary, namely, to transfer the Government of India to the Crown, and put an end to the existence of the East India Company as the body in whose name the Government of that country is carried on. Now, we say that the circumstances then contemplated have arisen. Of course, it may be a question fairly open to argument whether the existing state of things justify such a measure; and the House will have to decide on that question during the progress of these discussions. All that I have aimed at showing up to the present moment is, that in bringing forward this Bill the Government are not acting inconsistently or insincerely as regards the measure of 1853; that the possibility of such a contingency as has now occurred arising, was present to our minds at that time; and that a provision was made to enable Parliament, whenever it thought fit, to effect this further change by framing the Act of 1853 in such a manner as to render the transition more easy than it would otherwise have been, and by introducing into the Court of Directors what my right hon. Friend rightly called the nucleus of the consultative body to be attached as advisers to the responsible Minister of the Crown. What we now propose is, to carry on the Government of India in the name of the Queen. I will not advert to the question raised by my hon. Friend on the fact that the Sovereign of this country happens now to be a Queen and not a King, except to say I am astonished that the syllogistic mind of my hon. Friend could have thought it worth while to frame an argument upon that accidental circumstance. The question before us is not, however, as my hon. Friend would have us believe, whether we shall transfer from the exclusive and independent authority of the Court of Directors to the sole and exclusive authority of a Minister of the Crown the Government of India. I never heard any one but my hon. and learned Friend the Member for Sheffield advocate even the possibility of governing India by a Secretary of State without the aid of a Council of some kind or other. Ever since the year 1784 the Government of India has, in point of fact, been a compound Government, consisting of a Minister named by the Crown, responsible to Parliament, and changing with his party, and an independent body performing the functions of a Council. Her Majesty's Government do not now propose that it should be otherwise; they propose that it should be a Government formed of a responsible Minister of the Crown, and a Council consisting of men who will bring Indian knowledge and experience to his assistance. I do not believe it possible to govern India without some such Council. How that Council is constituted, whether it is elected by the Court of Proprietors, or by the servants of the East India Company, or is partly elective, or partly or wholly nominated, does not affect the question of the mixed or double Government—if I may so call it—of a responsible Minister and a Council. I repeat, that there must be a responsible Minister for India in Parliament, forming part of the general Government of this country; and, in my opinion, it is equally indispensable that he should be aided, or guided and checked, if you will, by a Council composed mainly or exclusively of men of Indian experience. I frankly admit that no one, chosen as Ministers must necessarily be in this country from the leading men of the respective parties either in this or in the other House of Parliament, can possibly be supposed to be sufficiently acquainted with the affairs of India to enable him to deal satisfactorily with the multifarious details which come before him without a council of some kind to assist him with that special knowledge which has always existed, more or less, in the Court of Directors of the East India Company. Much unnecessary declamation has, I think, been used about the term "doublo Government." Certainly, a double Government, if its two parts were to act as my hon. Friend described to-night, counteracting and thwart-

ing each other, and causing every possible delay, would be a great evil. But the double Government, in the sense in which I use the phrase—that is, a mixed Government—has always existed, and must always exist; and I remember my noble Friend, Lord Macaulay, in an eloquent speech which he addressed to this House in 1853, pointing out what I venture to repeat in a much less effective form—namely, that in one shape or another we must have a double or mixed Government for India, constituted of a responsible Minister and a Council to aid him. Such a Government I found in 1853, such a Government remained under the Act of 1853, and such a Government will remain under the Bill which we now propose. I must do the Court of Directors the justice to say that during my tenure of office at the Board of Control I found them most able, willing, and honest assistants and Councillors. I never met with anything in the slightest degree like antagonism from them. I received willing and ready assistance from every member of the Court, and every officer in their establishment. I had to do with four successive Chairmen and Deputy Chairmen—Sir J. Hogg, Mr. Russell Ellice, Colonel Oliphant, and Mr. M'Naghten. I saw them every week, and consulted them freely on every matter which was under consideration either at the India House or at the Board of Control. I never limited myself to seeing only the Chairs. If there was any subject on which I wished for advice or information from any other member of the Court of Directors, I requested the Chairman to ask him to come to me. I saw Mr. Prinsep on one matter, my hon. Friend, Mr. Willoughby, on another, Mr. Bayley on a third, and other Directors on other occasions. I also had frequent interviews with Sir James Melvill, with Mr. Mill, Mr. Mason, and other members of the establishment of the East India House, and I was only too glad to avail myself of the assistance of every Director and every officer of their establishment, as if they were part and parcel of the Board of Control and its establishment, all of whom cordially and ably afforded me that assistance. I was and am most grateful to them for the aid which they gave me. They were as good a Council as any man could have. I have no doubt that from the present Court of Directors as able a Council as could be found might be selected. But the House must see that, if the government of India is henceforth to be taken and administered under the name of the Queen, their independent existence as a governing body is utterly incompatible with that measure, and the assistance which I derived from them was not in the character of an independent body but as advisers, whom I could consult. Under a changed name they might act as well as a Council as they do at present as a Court of Directors. The substantial change now proposed, then, is in reality much less than it appears; and by it we obtain the advantages to be derived from the use of the Queen's name. I will not now enter into the constitution of the Council. A Council there must be. A more absurd mode of selecting a Council than by the votes of the Proprietors of Stock, who have no knowledge of or interest in India, cannot well be conceived. The result of that practice was such that in 1853, with the general concurrence of the House, we put an end to the exclusive system of election, and introduced members named by the Crown. Believing that the Directors nominated by the Crown, from their having come more recently from India, were in many respects superior to some of those elected by the Court of Proprietors, I see no reason why, if the members were mainly or wholly chosen by the Crown, they should not form as able and skilful a Council as any body elected by the Court of Proprietors. My noble Friend distinctly stated that in making this change he imputed no blame whatever for recent events to the Court of Directors, and I must say I entirely concur in that sentiment. Holding as I do that the Court of Directors is not the Government of India, but that the Board of Control and the Court of Directors constitute that Government, if I thought blame could attach to the one body, of course I must think it would equally attach to the other; and still more must I believe the Government in India to be in fault, which after all must necessarily be more responsible for what takes place in that country than the Home Government can possibly be. But I think that great injustice has been done even to the authorities in India in attributing to them, as has been done by some persons, great blame for the late calamities. I am of opinion, with my hon. Friend, that there has been no organized conspiracy or insurrection—that a great deal of what has happened has been owing to circumstances which no one could foresee. And though

I do not wish at present to pursue that question, I believe the notion which has been so widely disseminated that the Government of India disregarded constant warnings is utterly destitute of foundation. It is now admitted by common consent that what has occurred has been merely a military mutiny. The Native Princes and the Native population, with, perhaps, the exception of Oude, have not gone against us, but have for the most part been in our favour. That is the best testimony to the good government of India. There may be defects in that government, and I know that there are. But when we are sitting here year after year to remove defects in our own legislation, there is but little wonder that abuses should exist in a country where with such inadequate means a small number of Europeans have governed 200,000,000 of people. Upon the whole, I think the Government of the East India Company has been a liberal and beneficent Government. It has regarded the feelings and the religion of the people of India. The hon. and gallant Gentleman has said a good deal on the subject of encouragement to Christianity in India. I think that Christianity in India should be furthered by voluntary efforts, and no one would wish more than myself to see it extend itself in India. But it would be the height of insanity, and nothing would tend more to stop the voluntary progress of Christianity than, if anything were done by the Government, to infuse the belief into the minds of the Natives that the Government of India had determined even in the slightest degree to proselytize. I see no reason why the same policy—wise and prudent as it has been—which has been adopted by the East India Company should not be pursued hereafter by the Government of the Crown. I saw with great regret an expression in that able petition from the Company which insinuated that the change now proposed might produce among the Natives of India a belief that an alteration in the policy heretofore pursued in regard to religion was intended. The Directors ought to have known that such an insinuation was likely to produce the very evil they deprecated, and a more unwise and unjustifiable expression could not have been introduced. I perceive no such danger arising from the proposed Government of India, but I should see great danger to our Indian empire if I thought that the feelings and opinions which find expression on the part of the people of Calcutta were likely to be the guide of the future Government of India. If contempt for the Natives, if the refusal to admit the more worthy of them to employment under the Government, if persecution and vindictive cruelty towards the Natives, are to be the feelings which are to animate the Government of India, then I hope that we may rather quit that country for ever. It is impossible that India can be governed by this country if these are to be the feelings that actuate the governors. We may garrison the strong places, we may hold India for a while, but we cannot so govern the millions of that country. We have deprived India of her own Government and substituted our own, we have taken upon ourselves the heavy responsibility; but, if we are to govern India, it must be for the benefit of the Natives of that country, and not to trample them under foot, and merely seek to find the means of employment for men and troops from this country. The main and important question is, whether the circumstances are such as to justify the proposed change of the form of Government. Certainly circumstances of sufficient gravity have occurred in India to render it advisable to consider anew how the future Government of India can best be constituted and conducted. I impute no blame to the Government at home or in India for what has happened. A great crisis has occurred by which a serious "shake" has been given to the Government of that country. It is therefore necessary that in looking forward we should, to use an old expression, set our houses in order, and put the Government on such a footing as may insure the best administration of affairs. We had a large and well-disciplined Native army, upon whose fidelity, up to a recent period, no suspicion rested. No men had better opportunities of ascertaining the truth than the officers whose lives depended upon the fidelity of these men, and who up to the last moment confided in them. The Bengal Native army did not deserve this confidence—the Bombay army was slightly tainted, while the Madras army remained perfectly faithful. I remember that some five years ago a proposal was urged upon us for amalgamating the whole of the Native army of India. Where must we have been now if this had been done? The taint must have spread much more widely, and it has been no small source of safety to the Indian empire that the armies of the three Presidencies have been kept separate, and that the disaffection which spread so universally

in one army should hardly have reached another, and should never have touched the third. It will be impossible to restore the same Native army that we have had. It is equally impossible that a Native army in some shape or other should not exist, since Europeans cannot be expected to perform all the duties of the army in India. It will obviously be necessary to have a much larger European force than hitherto in that country. It will be impossible to leave India with 30,000 or 35,000 troops, and I believe that the most efficient means of maintaining European troops in that country will be to send Queen's troops altogether. We know that jealousies between the Queen's and the Company's troops, which even the present state of danger has not altogether stifled, have been of frequent occurrence. Would it not be wise to declare that the whole of the troops in the different Presidencies of India shall in future be the Queen's troops. in order that those jealousies, and difficulties should at once be put an end to? Would it not insure greater uniformity and unity of spirit if the whole administration of the army rested with the Queen? The same argument applies in a minor degree to the courts of justice. Look at the distinction between the Queen's Courts and the Courts of the Company. Five years ago the evidence before our Committees was all in favour of amalgamating the superior courts of the Crown and the Company. Great jealousies exist been these courts, which have impeded this union, and if Parliament put an end to the distinction between them in name it would go a long way towards removing those jealousies. Another reason weighs with me—that I think it important to put the Government of India on the strongest possible footing—to leave no weak place in it, no sore that can be touched by any hand. How many great authorities have stated in the other House of Parliament as well as in this their objections to the present form of what is called the double Government of India? I use that expression as the shortest to express the action of an independent Court of Directors and the Board of Control. Whenever an improvement is suggested in India we are told that the double Government is an obstacle to that improvement. Whenever delay is attributed to the Indian administration it is declared that it is owing to that form of Government. Is it not a source of weakness, whenever a desirable alteration is proposed, to find that the form of Government is taken as the chief obstacle, not by persons of ordinary or mean authority, but by authorities of the greatest weight? Is it not a weakness that organic change should be proposed as a remedy for every minor evil? Do you suppose that the Government so discredited by these attacks will command that respect in India which it is desirable the Government should enjoy? Let it be remembered that it is not now as in former years when time rather than distance separated the two countries. We know that English newspapers are greedily read and translated by the Natives in all parts of India. They read the attacks on the double form of government. They know that the election of Directors by the shareholders is laughed at and ridiculed by every man of sense. Is this likely to command the respect of the people of India, who know little of government except as a monarchy of a despotic shape, and who have no notion of a constitutional Government, or of the checks of our various forms of Government? In my opinion it will be wise to place the Government of India, especially after what has happened, in such a form that it will no longer be open to such attacks or appear to be discredited in the opinion of a large portion of the Parliamentary knowledge and talent of the country. I believe that it will be of essential value to govern India in future in the name of the Sovereign, that the Government of India will then be entitled to the respect of the Native Princes, and that you will insure that unity in the administration of the whole country which can hardly be obtained when you have those conflicting authorities both in regard to law and administration to which I have referred. If the form of government now existing was one which we could defend on principle, I should not so strongly feel what I have said; but can any man gravely assert that the Court of Proprietors, and the Board of Directors elected by them, is a form which any man in his senses would counsel if we had now for the first time to frame a government of India? It arose, as every one knows, out of the accidental circumstance of a trading Company acquiring territory which has from time to time been increased; and when my hon. and gallant Friend talked of the greater liberality of Mr. Fox's Bill, which to a certain extent retained the Company, he quite forgot that at that time the East India Company was a trading Company, and that, therefore, it would then have been as unjust to exclude the Proprietors

who subscribed the capital from any share in the election of Directors as it would now be to deprive the shareholders of any joint-stock company of their right to elect its board of management. But in 1833, when all trading interest on the part of the Proprietors and Directors was abolished, and they became simply and solely trustees of the Crown for the government of India, that argument ceased. Now the only question is, how it is most advisable to constitute the governing power for the administration of Indian affairs; and I shall be much surprised if any one will rise in this House, and assert that the—I forget how many thousand—Proprietors of India Stock, who may know no more of India and have no more interest in that country than the holders of the same amount of Three per Cents or railroad stock, are the proper persons to elect the governing body for an immense empire. Then, Sir, if the present form of government is utterly unreasonable and indefensible in argument, it seems to me to be most desirable, especially at this moment, that we should constitute our Government upon the firmest basis, and so arrange it as to present it most advantageously to the Princes and Natives of India. That object will, I believe, be best accomplished by vesting the government in the Queen, and to be administered in Her name, not, as my right hon. Friend seemed to imagine we proposed, in a Secretary of State, but in a responsible Minister, assisted by a Council. The Amendment of my hon. Friend the Member for Huntingdon is an Amendment for time, and it is not a little remarkable that in 1853, precisely the same Motion was made. But it was then made by those who wished to go further than we did, and many of the same Gentlemen are now turning round upon us and advocating delay, in order to prevent our going as far as they then proposed. Something may be said for those who, like my hon. Friend the Member for Huntingdon, are not disposed to go as far as the Government Bill. I think there is a complete answer to him; but I shall indeed be surprised if those who in 1853 advocated the extinction of the East India Company and the adoption of the Queen's name shall now support the Amendment of my hon. Friend. An hon. and learned Gentleman, whom I am glad to see in his place (Mr. Whiteside), took that line. In the speech in which he argued this question—I have no doubt very eloquently, because he is always eloquent—he did me the honour to quote very largely from what fell from me in 1853 in favour of the double Government, and he seemed to think that it was a very convincing answer to my noble Friend. I am sorry that that argument produced so little effect upon him at the time.

MR. WHITESIDE: I only voted with Mr. Phinn for a responsible Minister and an independent Council.

SIR C. WOOD: In 1858 we propose, as Mr. Phinn did in 1853, to have a responsible Minister with a Council. In that year Mr. Phinn proposed to do away with the double Government, as it is called, and that India should be governed in the name of the Queen, by a Minister with a Council; and the hon. and learned Gentleman gallantly voted in favour of that Motion. Now, I should like to know on which side we are to reckon his authority, that for which he had spoken in 1853, or that for which he had spoken in 1858? For my part, I think we ought to reckon it on the side of the Government proposal. The hon. and learned Gentleman is an ornament of a profession the duty of which is constantly to make eloquent speeches in support of views of the truth of which it is not necessary that they should be convinced. That is the duty of an advocate; but I cannot believe that the hon. and learned Gentleman could in 1853 have done so strange a thing as to have voted against his conscientious opinions. Therefore I think we are entitled to use his authority on the present occasion, and to say that, apart from the question of time, he is still of opinion that the Government of India ought to be carried on in the Queen's name. I am very sorry that my hon. Friend the Member for Huntingdon (Mr. T. Baring) should have made this Motion on the score of time. If we are met upon the principle of the measure, I have no more to say. It is quite right that the question of principle—of the form of Government as it stands, or Government in the Queen's name—should be fully discussed and the opinions of hon. Members fairly taken upon it; but I much regret that a Motion merely for time, in order to enable people of diametrically opposite opinions to vote together, should be made upon so important a matter as the government of India. I am surprised that my hon. Friend, who was so anxious, and rightly so, to avoid the introduction of party spirit into Indian questions, should himself have made this Motion. I remember that in 1853 he spoke against the Motion for delay; and I cannot put what I wish to say upon this

subject into stronger language than he then used. He said—

"The danger of delay did not rest upon any letter of Lord Dalhousie's but was apparent; for it was evident that if they weakened the power of the present Government by delaying the settlement of this question, by hanging up authority in abeyance as it were, and by advertising that there was going to be a new system, they would excite both Englishmen and Indians to agitate for two or three years, in order to determine the character of that new system, and would thus inflict an injury which no subsequent good government could rectify; for it was, in his mind, impossible to inflict a greater curse upon a country than at one and the same time to denounce its government as bad, and to announce its continuance."—[3 *Hansard*, cxxvii. 1319.]

Well, Sir, those at least who are in favour of governing India in the Queen's name, but support delay, are doing that which the hon. Gentleman said would inflict the greatest curse that could be inflicted upon the country, I hope and trust that the House of Commons will not sanction such a course. If for the mere purpose of gathering discordant votes a question is raised, not upon the merits of this measure, but as to time, simply in order to stretch the net wide enough to catch fish of every colour, it is doing exactly that which my hon. Friend so strongly and so feelingly deprecated—it is making the empire of India the shuttle-cock of party. During the two years that I was connected with the Board of Control I learnt to take the deepest interest in India, and I have never ceased to follow the course of events in that country, even amid the absorbing occupations of my present office. I hope that by my appointment of Directors I have shown that I was influenced by no party feeling. There (pointing to one of the Opposition benches, on which Mr. Willoughby was seated) sits the proof of it. I have shown that, attached as I must naturally be to the Bill of 1853, I am influenced by no personal considerations; of all things, I deprecate the introduction of party into Indian affairs. I join my hon. Friend in imploring, in the most earnest tones and words which I can use, every Member of this House to decide according to the best of his judgment, to discard from his mind all party feeling, and to vote honestly and uprightly for that which he believes will constitute the best form of Government for our Indian empire.

MR. WILLOUGHBY said, he felt very forcibly his incompetence to do justice to this important subject, and in rising to address the House he was still further embarrassed by finding himself in reluctant opposition to the right hon. Gentleman who had just sat down. The fact was that, in India, almost all the business of the Government was conducted in writing, and is made matter of record. To this great check he attributed much of the acknowledged purity of intention and beneficence in act which characterizes the Administration of India. Those who had served there were in consequence unaccustomed to take part in the debates of public assemblies, more especially of an assembly like that he had now the honour to address. They could seldom make speeches, though they were accustomed to write "*Minutes;*" and, for himself, he must say that he never rose in that House without feeling that he required their indulgence, and never more so than on the present occasion. Rising so late in the debate, he could not expect to be able to import into it much of originality or novelty, as most of the facts and arguments which he might have employed had been made better use of by preceding speakers. The first remark he would make was, that he was not wedded to any particular system, or to a name. He could even be content to see the East India Company depart, with all its glorious associations, and all its successive generations of able servants, civil and military, provided a substitute was found from which we might reasonably expect better fruits. Most cordially did he concur in the concluding remark of his right hon. Friend the First Lord of the Admiralty, that this was a question into which party politics and party spirit ought not to intrude; and it was on that very account, and because he thought in his heart that this Bill, if adopted, would ultimately destroy the freedom and exemption from the effects of political strife secured by the existing system of administering the affairs of India, that he gave it his decided opposition. He hoped they would permit him for a moment to recall their attention to the real objects of this debate. They were about to legislate for the most magnificent dependency of the British Crown—an empire in itself, not a colony—"the creation of many minds and many ages;" the value of which could hardly be overrated, and which he had never heard doubted till the other evening in the speech of the Chancellor of the Exchequer. He was inclined to prefer to the view taken by the Chancellor of the Exchequer the words of the hon. and learned Member for Sheffield, that "if we lose India, we should lose the world." They were about to legislate for

an empire (I take my statistics from a Parliamentary Return recently published) with a territory the area of which was computed at 1,456,322 square miles—larger, in fact, than France, Austria, and Prussia put together; inhabited, according to the latest accounts, by 180,367,148 souls, not of one race, but of many races, all aliens in blood, aliens in language, religion, customs, and manners, not only from ourselves, but from one another; yielding in 1855 a gross and, before this unhappy mutiny broke out, be believed, an improving revenue of £30,817,528, the value of whose exports and imports amounted to £34,965,182, a moiety of which, as nearly as possible, or £17,490,587, was exported to, or imported from the United Kingdom, a trade which, exclusive of the Native craft engaged in the coasting trade, occupied 25,325 vessels of 3,252,256 tons, in which were included 4,728 British vessels of 1,822,157 tons; and burdened only with a debt of not more than two years' revenue. Now, by what means and by what agency was this magnificent empire raised? Notwithstanding the high authority of the Chancellor of the Exchequer, he presumed to assert that that empire was created by the East India Company, and, as was correctly stated in the petition of the East India Company, without the cost of one farthing to the British Exchequer. It was true the Company were assisted by the troops and fleets of England; but let it be remembered that every farthing of the expense was defrayed from the revenues of India; aye, and that, on various occasions in Indian history, the resources of the East India Company were applied for Imperial purposes alone—as, for example, in Egypt, Java, the Mauritius, China and Persia, and in Affghanistan too, where an expensive war was carried on, not for Indian, but for Imperial purposes. Then, let them not touch this noble fabric with rude hands, or without careful and deliberate consideration, preceded by patient and anxious inquiry; for let them remember that, if they once destroyed the power of the East India Company, it never could be resuscitated. His first objection to the Bill had been anticipated by preceding speakers, and more especially by the hon. Member for Huntingdon, in his eloquent and able speech on Friday last,—namely, that it was inopportune in point of time. He believed in his conscience that the most perfect Bill that could be framed at this time, involving changes such as were introduced into the Bill before the House, would be productive of pernicious consequences. Surely it was not wise, in a time like the present, of great peril abroad and excitement at home, to introduce a measure which they could not hope would receive that calm and dispassionate consideration that should always be given to Indian questions. Surely it was not the part of wisdom to hang the sword of Damocles over the authorities of India and in England, at a time like the present, when the sceptre of authority in India seemed passing from our grasp, when all their thoughts and all their energies should be applied to the retention of our power in that empire. Disguise it as you may, the Bill if passed will effect a radical change in the constitution of the Government of India both at home and abroad. The East India Company had always been just, liberal, and generous to their servants, and could Her Majesty's Government think those servants would be indifferent to the extinction of that authority to which they had hitherto looked up as the guardian of their rights and privileges, and more especially the officers of the Company s army? There was not a more devotedly loyal body of Her Majesty's subjects than the servants of the East India Company; but that was not incompatible or inconsistent with a feeling of regret at the severance of the ties that had so long subsisted between them and the East India Company. His hon. and gallant Friend the Member for Reigate (Sir H. Rawlinson) had taken upon himself to represent the wishes of the Company's servants. He (Mr. Willoughby) did not pretend to represent them himself, but his opportunities of learning their feelings were at least as great as those of his hon. and gallant Friend, the best part of whose honourable career had been spent in Persia, Turkey, and Affghanistan; and he could truly say that every servant of the Company he had met, whether civil or military, had expressed a feeling of dismay at the proposed change. The Chancellor of the Exchequer had drawn no very flattering picture of the early history of the East India Company, but that had really nothing to do with the present question. When the right hon. Gentleman observed that the weakness of a vessel at sea was best tested in a storm, he might have added that that was not a very appropriate time to throw the captain and the pilot overboard. Another objection to this measure, equally strong, was the effect that it would produce on the Natives of India. The

Natives of India were not, as some people supposed, children or savages. They were an acute, intelligent and sensitive people, and, above all, apprehensive of change. He was not aware that any desire for change had been expressed by the Natives of India. In fact, the only petition for a change that he had heard of came from a section of the Anglo-Indian community at Calcutta, and was caused by Lord Canning and his Council having refused to adopt a policy of indiscriminate vengeance, which, if adopted, would have drawn this military revolt into a national revolt. The Natives of India knew that so recently as 1853, both Houses of Parliament, after a full and careful inquiry, reported favourably of the then existing system of administering the affairs of India, and that with a few important modifications (which now turn out to be the thin end of the wedge) that system was continued under a Bill brought in by the right hon. Sir C. Wood, Lord John Russell, and the right hon. Sir James Graham. They knew also that Her Majesty on the 20th August, 1853, in a Speech from the Throne, expressed her persuasion "that it would prove to have been wisely framed, and that it was calculated to promote the improvement and welfare of her Eastern dominions." They knew that the Act of 1853 had not had a fair trial, and, in fact, had scarcely been put into operation. They would at the same time say they also knew that at no former period of the Company's raj was so much vigour and activity employed in promoting the moral and physical improvement of the people of India, or in taking care of their interests when their efforts were unhappily arrested by this calamitous military revolt. When to this they added that the Government of 1853 was partly composed of the same elements as in 1858, they would naturally ask why what was considered wisdom in 1853 should be considered folly in 1858? They would, notwithstanding all the fine speeches and assurances, that no fault or delinquency is charged against the East India Company, couple together the existence of the mutiny and the extinction of the authority of the East India Company, and guided by the public press, by orations from the pulpit and the platform, and by other indications, they would imbibe the impression, however erroneous, that they were to be the subjects of a change of policy—of a change of that policy which had been pursued by eminent men like Malcolm, Elphinstone, and Monro—that an intention existed of introducing a system antagonistic to all their most cherished privileges and feelings; and he warned the House that if once such an impression obtained hold of the Native mind the effect would be more disastrous than the greased cartridges had been on the mind of the Sepoys, for there it did not matter much whether a belief was true or false, provided it was seriously entertained. It was said the double Government was slow, cumbrous, anomalous, and irresponsible. The hon. Member for Reigate (Sir H. Rawlinson) had given an amusing account of the process which a despatch concocted in Leadenhall Street underwent before it was finally sent out to India; but his picture was greatly overdrawn, and by enumerating the stages which a despatch might go through, rather than those it did go through ordinarily, he had stated the exception and not the general rule. On the other hand, the Vice President of the Board of Trade sought to show that all the business of India was transacted in Cannon Row; but any gentleman practically acquainted with the duties devolving on the Court of Directors on the one hand, and on the President of the Board of Control on the other, would know how exaggerated and erroneous such a statement was, the initiative, save in questions relating to peace and war, being vested in the Court. Again, the Vice-President of the Board of Trade would lead the House to suppose that it was the duty of the "Chairs" to go up weekly to Cannon Row and obtain the instructions of the Board of Control. Whatever might have been the custom when the right hon. Gentleman held office at the Board of Control, he (Mr. Willoughby) could only say that the weekly visit of the "Chairs" had for its object to discuss matters of importance and to smooth over difficulties; but as for all the business of India, and the correspondence with India, with all the voluminous "Collections" appertaining thereto, being disposed of by the Board of Control, it was obviously impossible. With regard to the alleged anomaly, he (Mr. Willoughby) admitted there was anomaly; but was that a reason for abolishing a long established system like the government of India? Is the anomaly unattended with no compensating advantages? Are the checks it imposes against rash innovations, crude legislation,

precipitant disregard of the rights and privileges of the Natives of India; and the security it affords for a careful consideration of the numerous appeals received from all classes in India, and on other points affecting the welfare of India, to be regarded as nothing. True it is an anomaly, but is it the only existing anomaly? Was not our own glorious constitution itself, with its triple Government, under which we enjoyed all our liberty, an anomaly? Was not our representative system an anomaly? What was one of our most cherished institutions—trial by jury—but an anomaly, seeing that one juryman might, by superior physical endurance, hold the remaining eleven in check from coming to a decision? What else were the Horse Guards and the War Office? Above all, was not the very possession of India itself the greatest anomaly? The fact was that the duty of the Home Government was more deliberative than executive, and India, to be governed well, must be governed *in* India. For that end it was necessary to intrust vast and almost despotic powers to the hands of the Governor General and the local authorities in India acting under him. But, in consequence of that necessity, there was the greater necessity for their acts and proceedings being scrutinized and revised by some intermediate and independent body, not in a spirit of captious objection, but of liberal and generous consideration and a due appreciation of all the difficulties with which they had to contend. He maintained that that duty had been hitherto most efficiently performed by the East India Company under the control and authority, of course, in the last resort of the Board of Control, always excepting that the Court had nothing to do with the proceedings of the Secret Committee. On questions of peace and war conducted in the Secret Department, the interference of the Court is interdicted by *law*, and therefore as regards these they are free from responsibility. With regard to the alleged irresponsibility under the present system, he had been anticipated in replying to that charge by the hon. and learned Member for Enniskillen (Mr. Whiteside), who with that view quoted a very lucid passage from the speech of the First Lord of the Admiralty when introducing the Bill of 1853, which he (Mr. Willoughby) need not again trouble the House by reading. But it was now said that greater responsibility would be exacted under the new form of government proposed—namely, a Minister of the Crown, assisted by a Council appointed by the Crown, and subjected to the control of Parliament. He was far from desiring to give any, the least, offence to the House, but he thought, with all due deference, that that House would not, could not, and ought not to attempt to exercise the control over the proceedings connected with the government of India which was now exercised by the East India Company. They might depend upon it that as soon as the present excitement subsided that House, generally speaking, would relapse into the same indifference which it almost invariably showed with regard to questions relating to India. When the present crisis passed away India would again become the "dinner-bell" of the House; for, as Lord Macaulay once truly said, a turnpike Bill or a riot in Covent Garden always commanded more attention in Parliament than the most important question connected with India. His hon. Friend the Member for Devonport (Sir E. Perry) had already anticipated that spirit of indifference, for in the speech he addressed to the House on the question under discussion he urged them to strike now, and so accomplish the object they had in view, for "it was only in times of emergency that the time of Parliament and the attention of the country could be directed to Indian questions." Then he (Mr. Willoughby) said the House could not exercise the control which members of the Government expected it would do. He did not mean, of course, that a great question connected with India, such as the annexation of Oude, would not command the attention of the House and be fairly and deliberately debated. He alluded to the questions which ordinarily came under discussion before the Court of Directors. In the first place the Members of the House, generally speaking, did not possess the necessary information to enable them to do so; secondly, it could not spare time to do so from the consideration of domestic politics and concerns of this country; and for those reasons it ought not to make the attempt. The fact was that, according to his small experience, responsibility to Parliament simply meant that when a Minister was strong, and backed by a strong party, he was unaccountable; when weak, he was assailed with party violence, and often compelled to do what was wrong or blamed for doing what was right. But, in the words of the historian:—

"Heretofore one of the chief excellencies attributed to the present system is that India should be subjected to an intermediate governing body, unconnected with party politics or Parliamentary divisions, and independent of the changes of Ministry in England; one that should look to the government of India as its sole interest and obligation, and should not be liable to be diverted from its one great duty by the manifold objects which, whether of European or purely British origin, whether of great or trivial magnitude, must ever render Indian interests of secondary weight with a British Administration."

It was true that in some cases this barrier against party influences and Parliamentary conflicts—this breakwater—had been sometimes broken through, to the discredit of the nation, but these exceptions undeniably proved the value of the check thus wisely interposed by the wisdom of preceding Parliaments. He might mention as instances of that the case of the Lucknow bankers, and that of the Noozeed Zemeendar, of which, in allusion to the Parliamentary influence successfully exerted, Lord Brougham observed,—

"Unless some such agency was at work, nothing could be found to sanction the extraordinary interference of the Legislature to pass an Act in favour of a claim contaminated in its origin and illegal in its prosecution."

Another case was that of Mr. Hutchison, an officer of the Company, who, contrary to the regulations of the service, had engaged in pecuniary transactions with the Rajah of Travancore. He presented a Bill to that House; it passed through several stages, but was ultimately thrown out through the opposition of the Court of Directors, aided by the transcendent ability of Mr. Macaulay, then Secretary to the Board of Control. So with the case of the Nawab of Surat. He did not intend to go into the merits of that case; but when it was discussed in that House a tolerably large attendance was obtained through means of an active canvass, or of a process designated in America by the term "lobbying," although, a few days afterwards, the President of the Board of Control delivered his budget to nearly empty benches. So much importance attached to this point that he must be permitted to read the evidence of a very competent authority, Sir Charles Trevelyan. Sir Charles was one of the ablest officers of Her Majesty's Government, but one, whom India claimed as her own, because it was there that he had received his first lessons in statesmanship, and who therefore looked upon the question from an Indian as well as an English point of view. The following was the evidence he gave about the increase of Parliamentray action on questions relating to that country:—

"It is most essential that the governing body in India and England shall not be subject to party influences. This object also has been satisfactorily attained:—there is an entire absence of party feeling in India; everything is decided on its own merits. Whatever faults the Court of Proprietors may have, it has furnished an independent basis for the Government of India. Deriving their power from a separate source, the Directors have not been influenced by political changes. They are taken from the best and most substantial portion of the middle class; they have the English element without any objectionable admixture of English party spirit. It is not the practice for them to take office under the Queen's Government; it is eminently a Government of the middle classes, and of the best portion of them. Their independence, also, in a secondary degree, rests upon their local position in the City of London, instead of their being at Westminster, and also upon their number being considerable. I consider that there would be very great danger in putting the Government of India immediately under the Government of England."

He then designated as the fatal detriment of the House of Commons—

"The evil principle which is known under many forms and names, party, patronage, favouritism, jobbing."

He thus adverted to the action of this evil principle:—

"The Executive Government depends for its political existence and success upon the House of Commons. Each individual Member of the House of Commons depends for political existence and success upon his constituents. Even in ordinary times the executive Government and individual Members of Parliament find it difficult to refuse favours which it is in their power to grant, however strong the reasons may be against granting them; and when parties are evenly balanced, or great questions have to be carried, or a Government has to be maintained in power, or an Opposition has to be lifted into place, things are done in this country, in the face of our active public opinion, and free press, and freedom of exposure in Parliament, which show how much greater the evil would be if India were brought within the direct action of our party politics."

He had several other great authorities on the same subject, but he thought that would be quite sufficient. It was true that the noble Lord at the head of the Government had spoken lightly of these great dangers in introducing his measure, but he (Mr. Willoughby) confessed he was disposed to agree with the opinion expressed by one of the ablest of the servants of the Company, the late Sir Charles Metcalfe, who, though an "Old Indian," one of that class which the hon. and learned Member for Sheffield (Mr. Roebuck) considered perfectly incompetent to have any share in

administering the affairs of India, had stated it to be his conviction that if ever our empire in the East received its death-blow it would be in the House of Commons. Upon the next subject to which he would take the liberty of referring, that of patronage, he was very sensitive, perhaps Utopian. He had always been of opinion that no greater trust could be confided to man, or one involving more responsibilities than that of selecting fit and proper persons to fill offices of high trust and responsibility. That trust, in his (Mr. Willoughby's) opinion, is not sufficiently fulfilled by selecting one who is merely qualified; but the most competent man available should be selected. That opinion, no doubt, had been imbibed in India, where we had seen patronage exercised for the good of the public service alone. It was his good fortune about twenty years ago to be associated in high official position in India with one of the best, ablest, and most conscientious men he ever met with, the late Sir Robert Grant. Upon one occasion he was consulted by Sir Robert regarding an appointment of great importance. He sent him a list of the names of those whom he (Mr. Willoughby) thought had any pretensions to the appointment, and in giving his opinion in favour of one, he enclosed an extract on patronage from a book called *The Original*, written by a well-known police magistrate in this Metropolis. He marked the passage then, and little thought at that time he should ever have occasion to use it in the House of Commons. In the chapter entitled "Preferment in Places" Mr. Walker said:—

"I have often wondered, both in reading history and in observing my own times, that there are so few examples of the worthy employment of patronage. It might be supposed the glory and influence that would result from it to men in high place would have made that the rule which unfortunately for mankind is but the exception. It is marvellous that the feeling of responsibility, that the consciousness of the destiny of millions being in their hands, that the love of the approbation of the wise and good, do not outweigh in the minds of Kings and Ministers all lesser considerations. Nothing would so effectually excite honourable ambition as the conviction that the road to preferment lay open to merit alone, and that every place would be bestowed, without other consideration, upon the person most fitted to fill it. All patronage is a trust; and bestowing preferment unworthily is a violation of a trust, and the greater the unworthiness the greater the violation. It is not enough to prefer those who are fit; the choice should fall upon the most fit. It is not enough to choose from those who apply; the most meritorious should be sought out, and the preferment offered to them, not as matter of favour and obligation, but as something required to be accepted from a sense of public duty.

"It is true these are not the doctrines generally received; if they were patronage would not so openly be made an instrument for creating undue influence or upholding party, nor would the public service be so often sacrificed for the sake of making provision for relations, friends, and dependants, a system which, strange to say, has many advocates amongst those who think rightly on other points. In my opinion, there is nothing more deserving of reprobation in public men than abuse of patronage, because I think there is nothing more detrimental to the public welfare. It not only discourages existing merit, but it encourages importunity, intrigue, servility, profligacy of principle, and many other base qualities which spread their pestiferous influences over society. It enables men in power to maintain themselves by other supports than that of public opinion, and surrounds them by a phalanx of hangers-on who effectually deter the meritorious from making their approach."

He had read that passage, in order to state that, according to his own experience, the patronage of India was distributed upon the principles laid down by Mr. Walker to a greater extent than in any quarter of the globe. He did not pretend to say that interest and influence had not sometimes their weight in India, as everywhere else, nor did he wish to be understood as referring to the ordinary routine appointments in the service, which must pass to a class of persons trained up to fill them; but his remarks were applicable, in all its force, to what were known as "selected appointments," large in number, and open both to civil and military officers. These appointments involved the greatest responsibility; and in the exploits of the noble men, who had lately brought themselves under the public notice, we were reaping the fruits of the system by which the most important offices in India were given to those best qualified to fill them. He could venture to assert that, in these cases, merit and qualification for the most part secured the appointment; and in this manner some of the most distinguished servants of the East India Company obtained their first introduction into the public service. A very salutary check existed even with respect to the ordinary appointments. The Governor, of course, had the initiative, and may even overrule his Council; the latter have the power, on good and sufficient grounds, to object, and finally to record their dissent,—the proceedings in such cases being reported to the Home authorities, which constituted another great check against the abuse of patronage. He had

frequently exercised this privilege, sometimes on merits, but oftener on the ground of infraction of some rule or regulation—such, for instance, as not having passed in the languages, withdrawing more than the prescribed number of officers from the same regiment. But he was checked by his Council; and it was one of the objections of the present Bill that it proposed to do away with that arrangement. An "Old Indian" like himself could not be expected to look favourably upon a measure which substituted for the existing system the one which prevailed in this country. Here each Government distributed its patronage among its own friends and supporters. Under a Whig Administration the stream flowed in a Whig direction, and under a Conservative Government in a Conservative direction. Nor was the apprehended evil a light one. It was a great mistake to suppose that the patronage involved in the proposed change amounted to only a few cadetships. There was, besides naval, legal, educational, and other patronage, and it was elicited in the course of the evidence taken before the Committee of 1853, that those appointments were at present made in an unobjectionable manner. The initiative devolved upon the Chairman for the time being, but his nominations must be confirmed—they were often canvassed and sometimes put aside—by the Court of Directors. He understood it to be the intention of the Government to keep the Native army distinct, but to amalgamate the Company's European troops with the Royal forces. He thought that would be found a more difficult arrangement than seemed to be anticipated. This, however, would at once transfer to the Horse Guards 17,596 men, and 1,531 officers—a very serious matter as regarded the distribution of patronage. But his greatest apprehension related to the patronage in India, a matter which had been touched upon by the hon. and gallant Member for Aberdeen (Colonel Sykes). The Government, no doubt, believed the Bill to be a good measure, and it would be unfair to them to suppose that it was not introduced by them under that supposition. If it was in their power, he believed they would be glad to be relieved of all patronage; but that was impossible. It was the duty of a wise Parliament to foresee and to guard against possible danger. Suppose the case of a weak Minister, who had not the power or the strength to resist, or, what would be worse, an unscrupulous Minister, who was courageous enough to appropriate, would he not avail himself of the vast power conferred by Indian patronage? Without using strong expressions, he might say, that giving to the Imperial Minister the Indian patronage would enable him to convert the Treasury bench into a freehold. Just let the House consider how the Bill proposed to prepare and pave the way for such a Minister. The Minister was to appoint the Governor General and the Governors of Presidencies; but they were to appoint their own Councils. And then what check would there be in such a case? The check at present was, that in case of any wrong appointment, or any deviation from the regulations, it could never escape the scrutinizing eyes of the Court of Directors, and, although that might be late, it was certain to be brought under their notice, when often the objectionable act was undone, or, if not, a censure was passed which prevented a repetition of it. The Bill interposed no check at all. He was bold enough to say that it would not be in the power of Parliament to apply any check. The hon. and gallant Member had also anticipated him, on another point—he alluded to the amount of patronage to be disposed of. Let it not be supposed that there was not a vast field open for a vast amount of patronage. There was the whole covenanted and military services, all the staff appointments, most of which were by selection; but, above all, to keep within the mark, there were hundreds—his hon. Friend had said many thousands—in which latter calculation were included all the subordinate appointments held by Natives, and in saying many hundreds, he (Mr. Willoughby) only included those that were held, or likely to be held, by Europeans—hundreds of appointments that would come within the purview of the patronage of the British Government. There were the deputy magistrates, the deputy police magistrates, and magistrates at the different Presidencies, the survey officers, the legal officers, and an immense number of miscellaneous appointments too numerous to recapitulate. It might be said, in reply to this, that even under the present system the Government influence was felt in regard to appointments in India. In the course of a long official career in India he had known instances of Downing Street influence in India, but they were rare, and the check of the Court of Directors was useful in resist-

ing them ; and even supposing there was a desire, which there could not be, in a Minister to ask the Governor General to serve his friends, it would be detected and disapproved of. Under the present system the Governor General was, to all intents and purposes, a servant of the East India Company. He (Mr. Willoughby) had the misfortune to differ from the hon. and gallant Member for Reigate (Sir H. Rawlinson), upon many points, but there were some in which he entirely concurred. The hon. and gallant Gentleman had lately had to undergo the ordeal of an electioneering canvass, in the course of which he had been called upon to state to his constituents his opinions upon different matters. In one of those addresses the hon. and gallant Member referred to the danger of Parliamentary action upon the welfare of India, although it appeared now, that notwithstanding his opinions upon that point, he intended to support the Government measure. The hon. and gallant Member, in another of his addresses to his present constituents, said—

"The object of the Directors was to improve India for the benefit of England, and if that object could be better obtained by the Crown, then, in God's name, let the Crown have it."

To which he (Mr. Willoughby) cried Amen! If he thought that the transfer of the Government to the Crown would benefit India, he would say, abolish the Court of Directors at once—

"But he doubted very much if the people of England had as yet begun to realize the importance of the step which was about to be proposed. He doubted if the taxpayers of England were aware that in taking that liability upon them they took upon themselves the liability of £100,000,000 sterling. There would be a difficulty, too, in transferring East Indian establishments to the Crown, because they were on a different system. But the great danger was from the increase it would give to the power of the Crown, a point upon which Englishmen were ever most jealous. When the Bill was proposed in the last century it was proposed entirely on the consideration that it was of the utmost danger to place an overwhelming influence in the hands of the Crown. He was quite ready to admit that means must be devised for preventing that evil, and for throwing open the patronage to the country at large ; and, in that case, he would go hand in hand with the Government in carrying through the measure. It had been said that it would make no difference to the people at large whether the Crown or the Company had the patronage, because the military services would be recruited from the ranks of the middle classes as they were at present. That was the opinion stated in an article of the *Times*—an article intended to support the Government measure, but it omitted a most important question. The hard-working people would no doubt be of the middle class ; but the sugar-plums would be reserved for the upper class. The great benefit of the present system was, that after a man entered the Indian service he arrived gradually at the top ; but in the other system he might work for twenty or twenty-five years, and then have the sugar-plum taken from his mouth, and put into that of some titled favourite of the Horse Guards."

Upon another occasion something like the same sentiments had been expressed by the hon. and gallant Member. In a speech he had made in the Court of Proprietors, he said :—

"If selection, indeed, should be substituted for seniority in the higher grades and commands, and if the nomination were to rest with the authorities at home, I should apprehend that the rank and file of the army, the hard-working men who had done subaltern's and captain's regimental duty in the country, would be generally superseded by nominees from England, and that the *morale* of the army would thus seriously suffer. This is of course an evil to be guarded against, but it is not one of paramount importance or of constitutional danger!"

There were many other topics upon which he (Mr. Willoughby) wished to make some remarks, but the present was, perhaps, not the fittest occasion for them, and he had already trespassed at too great a length on the attention of the House. He should, therefore, confine himself to stating a few of the objections which he felt respecting the Bill itself. He was quite certain from his own experience of the quantity of work to be done that a Council of eight would never be able to do it. It would be physically impossible. He did not pretend to say that, if the work were to be slurred over or done, in a superficial manner, eight, or even two or three would not be enough, but to do it in the careful manner it had hitherto been done would require a Council of more than eight. The old system of governing India might appear to be somewhat cumbrous. The correspondence from India might appear to be unnecessarily voluminous, and he did not pledge himself that in some details improvement and simplification might not be introduced, yet if they were to abolish the long existing system to which was attributable much of the efficiency of Indian government, which required that records of all transactions should be sent home, they would at the same time remove all checks upon malversation. With respect to the Court of Proprietors he regretted that it was intended to abolish it. He remembered, when in India, reading of debates in that Court which were of great value and importance

to India. It was true that lately the debates had fallen off in value, but it did not follow that therefore they should destroy a constituency which he considered to be a useful safety-valve—a means of ventilating Indian questions before an audience who would pay attention to them. He did not mean to say that the Court should not be reconstituted, and the anomaly of giving votes to ladies removed, yet he would maintain it in a remodelled and improved shape. The Bill proposed that the Governor General should appoint his own Council. This he thought wrong. At present the Council were appointed by the Court of Directors to assist and advise the Governor General, and certainly from the mode in which Governors General were sent out it was necessary that they should have persons of local experience to advise them. He did not mean to make that statement offensively, for, taking all things in consideration, he believed that the Governors General and Governors of Presidencies sent out from this country had been, for the most part, able and distinguished men. He was speaking of their Indian experience. The Council were not only advisers but they were checks. At present the Council acted as a check upon the commission of any job by the Governor General or the Governors of Presidencies, but if the Governor General is to select his own Council, that check would be gone. He would not say he had not seen some jobs attempted, and perhaps had prevented some. In the course of the debates, many erroneous statements had been made with regard to the Directors to some of which we would refer. The hon. and learned Member for the Tower Hamlets (Mr. Ayrton) had done injustice to the Court of Directors in respect to the question of patronage, for although what he had said was technically right it was substantially wrong. The hon. and learned Member said that the Court of Directors, in its corporate capacity, never gave appointments to the sons of officers who were killed in action, or had died in the service. There was no patronage at all in the disposal of the Court in their corporate capacity, but the papers which had been laid before the House showed how patronage had been distributed, and would certainly refute the charge. If the hon. and learned Member was not satisfied with that statement, let him call for a return extending over a certain number of years—say five years—showing the donor, the receiver, and in another column (which would be the most important as testing what influence prevailed), at whose recommendation the patronage was given, and he was satisfied that such a return would be most favourable as respected the mode in which the patronage was dispensed. He did not think he need answer the hon. and learned Gentleman's remarks about the last farthing being exacted from the ryots, or to answer the charge that the Natives were reduced to the necessity of eating dirt, and he fancied the hon. and learned Member, when making such observations, must have had in his mind the Oriental expression of "eating dirt." The hon. and learned Member for Devonport (Sir E. Perry) drew a glowing comparison between the Government of India and that of Ceylon, favourable to the latter. The two did not admit of a comparison very well, but if it were made it would be found favourable to India. A similar comparison had been made by the hon. Member for Poole (Mr. Danby Seymour), the Secretary to the Board of Control, though the hon. Member did not seem well versed in the history of Ceylon, or had not refreshed his memory lately. If he had looked to the evidence taken by the Select Committee in Ceylon in 1850, he would have found that in that island there was an open rebellion in 1817, 1823, and 1848, and three conspiracies, independent of other circumstances of a threatening nature, were detected before they exploded in 1820, 1824, and 1843, and there had been plots in several other years. In a temperate and dignified letter to the Secretary of the Colonies, what did Viscount Torrington say of the state of Ceylon in 1847? The noble Lord stated—

> "It is necessary to remind you of the state in which I found Ceylon on my assumption of the Government in 1847, its treasury nearly empty, its current expenditure largely in excess of its annual income; its commerce declining; the cultivation of its staple products, coffee and cinnamon, suddenly arrested and discouraged, and its general condition leading rapidly to bankruptcy."

He, however, was ready to acknowledge that since 1847 the condition of Ceylon had improved wonderfully; but he must say, that it was to the credit of the East India Company that it was so, for a large portion of the improvement was due to an Indian official, the late Sir G. Anderson. He was much inclined to notice some of the many fallacies which were entertained with respect to India. He had read with great interest the numerous

speeches made on the subject by Members of Parliament and others, and observing the great amount, he would not say of ignorance, for that was a strong term, but of want of information exhibited, he was not surprised that the East India Company were described as tyrants and oppressors. The hon. Member for Salford (Mr. Massey), in an address to his constituents, stated that Bhuddism and Christianity could not stand together. Now, Bhuddism was the religion of Ceylon, but it was not the religion of India. Then the hon. Member advocated the principle of toleration, but immediately afterwards explained that he meant toleration between different sects of Christians, but that toleration of Hindoos and Mahomedans was entirely out of the question. Now, if India was to be governed on that principle, it would not be worth six months' purchase. The hon. Member for Dovor (Mr. B. Osborne) told his constituents that the Company had swept away the Hindoo system of adoption, and he went on to add, that it was alleged the miscreant Nana Sahib had been impelled to all his atrocities in consequence of the great wrong inflicted on him in reference to this question of adoption. Great ignorance prevailed in this country on this subject of adoption. Nana Sahib's adoption was never interfered with. By his own account he inherited £280,000 from his adopted father, but in reality nearer £500,000. What he wanted was, that Government should continue to pay him the pension which had been granted to his adopted father for life; that, of course, was refused by the East India Company. Now he had read a letter, dated the 13th June, 1818, from Sir J. Malcolm, reporting that the pension was given to the adopted father of Nana Sahib only for life. Was it possible, then, for the British Government to confer this pension of £80,000 a year on Nana Sahib? However, Nana Sahib sent over to this country Azumullah Khan, and some hon. Members might possibly have seen that worthy, for he had resided two years in this country, and was admitted, it appeared, to the highest circles in London and Brighton. That agent of Nana Sahib spent £30,000 or £40,000 in this country, and this circumstance showed the evil connected with the agitation of Indian questions in that House. Azumullah is not the only instance of emissaries deputed to England. After spending so much money in England, he went back to India, having found out that in this country people did not administer justice for money. Having thrown away so much money, he was inflamed against England; and again became the infamous councillor of the still more infamous Nana Sahib, and it was he who was sent to negotiate with the unfortunate Sir H. Wheeler the terms of capitulation, and who instigated Nana Sahib to the treacherous murder of the garrison of Cawnpore. He was a specimen of the men sent over to England to prosecute unfounded claims. With regard to the law of adoption, he contended that the British Government never interfered with or violated it. Had they done so they would have acted in opposition to repeated Acts of Parliament, which declared that the laws and customs of the inhabitants of India were to be attended to. The right of adoption was one of very great importance in India, as the Hindoos believed that the future happiness of the father depended on certain ceremonies being performed after his death by his son or adopted son. It was true that the British Government refused to recognize an adoption carrying with it territorial and political rights, but this was not a practice introduced by the British Government, but had existed from time immemorial in India. In refusing to sanction adoption, the Company had never interfered with the custom so far as private property was concerned, and in proof of that statement he might observe that the Rajah of Sattara, though not recognized as the ruler of that territory, had been allowed to inherit all the personal property of his father as well as land to the value of £2,000 per annum. There was another subject to which he also wished to refer, but which he approached in a spirit of great humility. He had never felt more humbled than when he found it stated by an influential portion of the press, and re-echoed from the pulpit and the platform, that the Government had ignored their faith in India. A more unjust, a more unfounded charge than that he should contend had never been made. It was said to the Court of Directors, "Did you not preserve Hindoo temples and uphold Mahomedan mosques? Did you not, in 1819, dismiss from a regiment of Sepoys, one of their number who had become a convert to Christianity?" His reply to those questions should simply be, "You are talking of past times, and if you will but bring to our notice any remnants of the old system which ought to be dispensed with a remedy is sure to be applied." But he would go further, and tell the House

that if they now asked the missionaries who afforded them the most efficient aid, they would reply, the civil and military servants of the East India Company. It was chiefly through their contributions and exertions that churches had been erected in many parts of India. Indeed, out of five churches which had been built on the island of Bombay three had been erected on the voluntary principle. To the Company's servants also was India mainly indebted for her benevolent institutions—a fact to which several Missionaries, with whom he was acquainted, would be found prepared to bear testimony. He was aware that many hon. Members had lately devoted themselves to the study of the condition of India, but it was idle to expect that accurate information upon the subject could be obtained by any man who had not been resident in India. Book-learning might be useful, but the information which it furnished must necessarily be incomplete, but no man could understand India, or form a correct idea of the difficulties we have to encounter, without visiting India. He might, however, call the attention of the House to one book in corroboration of the justice of the views which he entertained—he referred to the interesting journal of the amiable and pious Bishop Heber. That right rev. Prelate there stated that upon the occasion of his entry into the town of Baroda, a deputation had been sent out ten or fifteen miles to meet him, and that no English Prelate had since the days of Thomas A'Becket and Cardinal Wolsey been so well received. The strongest evidence, however, he (Mr. Willoughby) could give the House of the unfounded nature of this terrible charge (for such he personally felt it to be), was contained in what he might almost call the dying words of the venerable Prelate who had filled the see of Calcutta for twenty-five years, and who, in the beautiful language of the Government order announcing his death—

"After a career of pious Christian usefulness as metropolitan, extending through a quarter of a century, marked by a zeal which age could not chill, and by an open-handed charity and liberality which have rarely been equalled, this venerated Prelate has closed his long life, leaving a name to be remembered and honoured throughout British India.

"The Governor General in Council requests that the principal officers of Government, civil and military, and all who may desire to take this opportunity to mark their respect for the memory of the deceased Bishop, will attend the sad ceremony of his interment.

"The flag of Fort William will be hoisted half-mast high at sunrise on the morning of Monday, the 4th of January, which will be the day of the funeral.

"By command of the Right. Hon. the Governor General in Council,

"CECIL BEADON,
Secretary to the Government
of India."

In his sermon preached at Calcutta on the day of fast and humiliation, the 24th July, 1857, the late Bishop Wilson thus reviewed the efforts which have been made for the spread of Christianity in India, and the moral improvement of the people of India :—

"Things were better with them than they were formerly. All had been moving on in the right direction for more than fifty years past. Never was there a more just or beneficent Government than that of the British power in India. Peace and security for person and property have prevailed, commerce and all the Western improvements in medicine and the arts have been encouraged; every man stands equal before the laws; the administration of justice is pure; the taxes are of moderate weight; the contrast, indeed, of the equity of the British Government for the last sixty years, with the fierce tyranny of the Mahomedan for 600 years is immeasurably in our favour. Then as to Christianity, pious Ministers of every name and class, missionaries from all the different societies, all protected and honoured. The reverend chaplains have been trebled in number since Bishop Heber's time. Sacred edifices have been reared in more than a ten-fold proportion, many of them with the munificent aid of Government Native converts have been added in large numbers to the Lord, especially among the Karens in Pegu, at Tinnevelly, Krishnaghur, and elsewhere. The number of enlightened and faithful European Christians has largely increased in the civil and military, and other services, and amongst the East Indians also charitable designs to meet new forms of destitution are liberally rewarded. Christian education in all our Missions and national education not excluding Christianity, though not directly teaching it, is spreading throughout the country. Unity and love prevail amongst the different divisions of the Protestant family. We no longer maintain the old and fatal mistake that Christian men are not to co-operate for anything till they agree in everything. We now hold the antagonistic and true maxim that Christian men should act together so far as they are agreed."

Such was the dying testimony of this good and pious Prelate, and no one, he thought, would hereafter charge the Government of India with ignoring the Christian faith. He should next advert to the question of colonization and the charge which was brought against the Company in connection with that subject. The Court of Directors were asked, "Why do you not colonize India as Australia and Canada have been colonized?" His an-

swer was, "The cases are not parallel. In Australia and Canada, those who emigrate can without much difficulty take possession of land, or purchase upon their arrival, which will reward the exertions employed in its cultivation. In India the colonist would find not only that the best portions of the country were occupied, but also densely peopled." Another objection to his settling there was the nature of the climate "for the hewers of wood and drawers of water;" the climate was a complete bar in the plains of India. There might be a few spots in the Himalayas, where colonists from this country could establish themselves; but as to settling in the plains, it appeared to him absurd to expect that Europeans could withstand the scorching heats of May and June, or the equally destructive rains of the succeeding months. He had now endeavoured to answer some of the many charges which had been brought against the East India Company. With reference to the Bill before the House, he could only say that the further the noble Lord at the head of the Government proceeded with it, the greater would he find the difficulties by which his path was beset. There was, in the first place, the military difficulty—the dealing with the Company's troops and defining their rights and privileges. It was said that an order of three lines would settle this, but such was not the case. The Company's troops had their rights and privileges, and above all their own funds, which could not be interfered with. Then came a more formidable question still, that of Indian finance. All the loans had been contracted and obligations incurred in the name of the Company, and the Chancellor of the Exchequer would not, he thought, find it an easy matter to deal with those public creditors who might say to him, "We lent our money to the Company on the faith of their good management, you have altered our security, give us back the sums which we invested." If those creditors were disposed to place a strong reliance upon the wisdom of the new arrangement they would not take that course, but under other circumstances such might be the result. He (Mr. Willoughby) did not say such a demand would be made to any extent. He hoped not, but if it was, he did not see how, consistently with good faith, it could be refused. Then there was a third difficulty, namely, that all treaties, contracts, and engagements had been entered into with the East India Company, and on some of those the East India Company could sue and be sued. How were they to be transferred bodily to Her Majesty's Government. He was not the panegyrist of the East India Company, for he knew that they had committed many faults, and had also borne the blame of many others which they had not committed. But he concurred in all that had been said in the eloquent peroration of the hon. Member for Huntingdon (Mr. T. Baring) as to the general goodness of their administration, and although it was now proposed to extinguish their authority, he had no apprehension as to what the judgment of posterity would be. In fact, he might say, that the judgment of posterity had been already pronounced. He meant by that, that as Madame de Stael had remarked, "the judgment of foreigners was the same as the judgment of posterity, because it was free from all prejudice and bias," and certainly all the histories and travels he had read, from the earliest writers down to Baron van Orlich and the American traveller Bayard Taylor, were full of admiration of the Company's rule; and one of them, if his memory did not deceive him, the Swedish Count Bjornstjirna, describing it as a living miracle. One word more and he had done. He (Mr. Willoughby) should have rejoiced not to appear on the present occasion in opposition to the Government. He entertained a deep sense of the high honour they had, without solicitation, done him in selecting him, a stranger, to be one of the first nominees of the Crown, and he owed a special obligation to the right hon. Gentleman who had preceded him in the debate (Sir Charles Wood). The honour, however, was unsolicited and conferred without conditions. But he felt that he only had the alternative of either remaining silent or speaking out, and as his apology for the course he had taken he had only to say—"*Amicus Plato, amicus Socrates, sed magis amica Veritas.*"

Mr. CAMPBELL said, that having passed great part of his days in India, he felt it his duty to the House, himself, and the country, to lay before them the result of the experience acquired there on the subject under discussion. The good sense of hon. Members would probably lead them to agree with him, that the testimony of men, who had property at stake in India, should have more weight on a question affecting change than the testimony of

men who had everything to lose from prompt action, and everything to gain from delay. Now, he had received a letter from an extensive zemindar and indigo planter in Dacca, but at present residing in London, who gave it as his opinion that the substitution of the Queen's name for that of the Company would have a most telling effect—that it would be like oil thrown on the waters, and would smooth the way to a return of quiet throughout the country. The opinions of his Native correspondents were in conformity with his own. They said that their conduct, in remaining faithful, entitled them to the direct government of the Crown, and that no confidence would exist among them until this was done. Another class of Natives believed that as the Koh-i-noor, in their estimation, proved so efficacious in renewing the Company's charter in 1853, the treasures of Delhi and the Crown jewels recently taken at Lucknow would be found equally efficacious in preserving the Company's rule on the present occasion. He hoped, however, that the conclusion come to by the House would be one which would put an end to such speculations. If the shadow of the Queen's Government in India and the reality of the Queen's troops had already effected so much, the reality of both would do far more to reduce that country to a state of peace and tranquillity. If the decided policy of Sir John Lawrence had been so efficacious in the Punjab, an equally decided policy on the part of Her Majesty's Government in India generally would prove as efficacious. He was of opinion that the people of India should have been told in plain and intelligible terms, eight months ago, that the rule of the Company had ceased and that of the Queen had commenced, and that all obligations and loans secured upon the revenues of India would be held sacred. Had such a course been taken, he believed it would have been unnecessary to raise £10,000,000 in this country. In that case the sound policy which had hitherto prevailed of raising loans in India, thereby rendering the Natives largely interested in the maintenance of our authority, might have been pursued on the present occasion, and the loan now demanded here would have been effected in India without having recourse to the people of this country. It was owing to want of confidence in the Company on the part of the Natives that they exhibited so much disinclination to invest in Indian stock. He could not but admire the intrepidity of Her Majesty's Government in holding themselves solely responsible for the acts of the East India Company, whether of omission or of commission; but he imagined that the good sense of the people of this country would attribute to the Directors duties and obligations, which must involve upon them heavy responsibilities. He could not but suppose that the local experience of many of the East India Directors must always have had great influence with Her Majesty's Government upon all matters relating to Indian administration. He could not believe that the President of the Board of Control would turn a deaf ear to the representations of gentlemen who collectively were so well acquainted with the internal condition of India. He must, therefore, regard the Directors of the East India Company as the creators of that large Native army which had originated the recent mutiny. Within some twenty years past, the territory of the Company and the number of the Native army had been nearly doubled, while during the same period the European army in India had not been increased by a man, in disregard of all previous practice and experience. In fact, the European force available, when the mutiny broke out, was absolutely below what it was in 1835. During his residence in India, and previously to the annexation of Oude, a force of from 2,000 to 2,500 Europeans was always stationed at Cawnpore, to overawe the turbulent city of Lucknow; 1,000 Europeans were in garrison near Benares to overawe that city; while a garrison of 1,000 men was maintained at Berhampore to overawe Moorshedabad, 1,000 at Chinsura, and another 1,000 employed in overawing the Santhals at Hazaarebaug. When the mutiny broke out, however, at none of these stations was there an European soldier, except at Cawnpore, where there was a small force of some 200 or 300 men. Was not this the fault of the Directors of the Company, whose practical knowledge of the wants of every station in India must have been infinitely superior to that possessed by the President of the Board of Control? The hon. and gallant Member for Aberdeen (Colonel Sykes) occupied the position of Chairman of the Company at the period of annexation at Oude. The Crimean army, the creation of which had cost this country so much anxiety as well as money, was then returning to our shores; but was any attempt made by the

hon. and gallant Member to induce Her Majesty's Government to utilize that army by regarrisoning those deserted stations, or by occupying Oude? Was a single regiment of that army sent to India? No; but Her Majesty's Government despatched no less than 21,000 men and the German Legion to colonies which had far less need of such reinforcements, and were far less able to support them. He would venture to say that, had 10,000 or 12,000 of those troops been sent to India, the mutineers would never have made head, and the bloodshed and disasters which we had to deplore would not have occurred. An hon. Gentleman opposite had referred to the colonization of India, and it was a strange fact that, after occupying a great part of that immense territory for upwards of a century, only some 10,000 independent European settlers could be found throughout the length and breadth of the country; although the soil might, in many districts, and especially in the Hill Districts, be turned to valuable account in the hands of colonists. The Company claimed credit for the improvement which had taken place in the exports and imports of India, but the truth was that the increase was mainly attributable to the energy of the independent European element which the Company had done all in their power to discourage. He might also observe, that the fidelity of the Natives to the European settlers, during the recent outbreak, stood out in marked contrast with the treachery of the Sepoys. The Company claimed credit to themselves for many of the improvements which had been effected in India, but it was within his own knowledge that most of these improvements had originated with the Governors General. It was, for instance, Lord William Bentinck who opened the Grand Trunk Road, who abolished the Suttee, who established canals, who encouraged a sytem of inland steam navigation, ocean steam navigation, the overland route, and railways, and who gave a stimulus to educational efforts. He might also state that the manner in which the financial operations of the Company with regard to exchanges were conducted entailed upon them a loss of from £200,000 to £300,000 per annum in London. He would not detain the House by reading documents relating to the frightful effects of famine, of which he had himself been a witness, but he would only add that, from 1837 to 1850, the Company had not adopted any efficient measures for affording assistance to the unfortunate inhabitants of the districts liable to these visitations by making the redundancy and abundance of Bengal available to cheap communication for the supply of their deficiencies. He thanked the House for the attention given him, and as many other hon. Gentlemen had to address it, he reserved his further remarks to the future stages of the Bill.

SIR BULWER LYTTON said: It has been made a subject of complaint by the right hon. Baronet the First Lord of the Admiralty against my hon. Friend the Member for Huntingdon (Mr. F. Baring) that he should have rested his objection to this Bill on the score of time. But the right hon. Gentleman must be well aware that a measure of this importance brought forward by the head of the Government would be entitled, whatever might be its defects, to be allowed to pass to a discussion of its principle upon a second reading, if there were not something in the season, at which it was submitted to our consideration, that was peculiarly unfavourable to its introduction. With regard to the Bill itself, which I am not disposed to discuss at this moment at any length, I must say that I think it is at once audacious, incomplete, and unconsidered. It is audacious, inasmuch as it effects the conversion of an administrative body through which, whatever may have been its faults, every hasty or unwise proposal on the part of Her Majesty's Government was sure to be carefully sifted, into a set of irresponsible nominees of the Ministers of the day. It is incomplete, because it does not afford us a single guarantee for that wholesome restraint on a precipitate or a despotic policy that is effected by the system which it is proposed to remove. And it is unconsidered, because even on so simple a point as the mere number of the Council which it would establish, every hon. Gentleman, who has any practical acquaintance with the affairs of India, tells you that it is preposterously inadequate for the discharge of the amount of business which the Council undertakes to perform. I believe it may be shown, too, that it is unconsidered on a much more important point, because Her Majesty's Ministers assert, and I have no doubt honestly believe, that this Bill will not increase their patronage; while I am persuaded that it will appear, when we come to detail, that their patronage will be enormously

increased, and increased in a direction that is peculiarly dangerous, because it applies to the class of gentlemen — the class of whom this House of Commons is composed; and the patronage is, therefore, of a nature which will prove hard to reconcile with our virtuous horror of bribery and corruption. I am not surprised to find that this measure is incomplete and unconsidered, because I do not think that the Government could have had the requisite calmness of temper to devise a complete, safe, and comprehensive measure for the civil administration of India at a time when revolt is still raging — at a time when no man knows or can conjecture how far disaffection has spread or is spreading— at a time when none can know the proper remedies that ought to be applied—and at a time when all our thoughts are, or ought to be, concentrated on the fittest military measures for the support of a handful of our countrymen, amid the dangers that surround them. But the noble Viscount says this cry of time is a stale cry; that it is always said that it is not the right time for change. The noble Viscount is unquestionably the highest authority of any man living as to the right time for change, and I am surprised that so acute a statesman should not be able to distinguish between the mere hollow cry against a time for change, which Mr. Bentham classes among the "Fallacies of Delay," and the plain truth that nevertheless there are times which are peculiarly unpropitious to change; a truth which Mr. Bentham himself would have been the first to acknowledge, because, though he was a great philosopher, he was also, strange as it may seem, a man of common sense. But, by-the-bye, after that remarkable chapter of Mr. Bentham's on the "Fallacies of Delay" comes his immortal chapter on the "Fallacies of Confusion," in which is explained the fallacy of Ministers making use of the name and authority of the Crown for the purposes of corrupt patronage, a chapter that Her Majesty's Ministers have, no doubt, studied with extraordinary diligence and care; but with respect to this objection of delay, what was the answer which the noble Viscount made to his noble Friend the Member for the City of London, when he wished to persevere with his scheme of Parliamentary Reform? We all know the life-long attachment of the noble Viscount to the cause of reform. But what was his answer on that occasion to the noble Lord? It was, "this is not the right time for change." Why was it not the right time for change? Because we were then engaged in a war with Russia. And can this, then, be the right time for a reform in the government of India, when you are engaged in a war with India itself? Yes, said the noble Viscount, this is exactly the time, because we want a system of more vigour and promptitude to deal with the difficulties that surround us. "Only think," says the noble Viscount, "of the waste of precious hours in sending cabs from one end of London to the other. How much more convenient would it be to have one snug little family party round a single table in Cannon Row." Why do you want this peculiar promptitude and decision? Because you are in a state of abnormal and temporary difficulty. I object to legislate for the securities of permanent and normal administration in a time of abnormal and temporary difficulty. I object to legislate for the provisions of peace at a time when your thoughts are concentred on the exigences of war. I grant that war requires promptitude and decision— but peace requires deliberation and caution; and I believe that the slowness produced by the checks and counter-checks of which the noble Viscount now complains have saved the empire from many fatal blunders which would have been committed by the rashness of a Minister if he had had no better advisers than the complaisant nominees of himself and his party—men not like the present Court of Directors, who have nothing further to expect from the Government, but men who, if they are of the mark and ability you desire to secure for your new Board, will be comparatively young and ambitious—men who will, perhaps, only take their place at your board with a view to some higher and more dignified position in India, and who will thus be stimulated to a discreet acquiescence in the policy of their Ministerial patron by a lively sense of the prospective benefits of Ministerial patronage. But I ask whether, according to the policy you are now pursuing, you are likely to attain the object you desire? Do you think that the advantage of promptitude and vigour, for a special and, we hope, temporary occasion, will be obtained by the course you propose to adopt. Are not the next few months most critical in regard to the security and tranquillity of our sovereignty in India? And how do Her Majesty's Ministers in-

vite us to spend them? In conveying to the hesitating courts of the neutral Princes of India our own doubts as to the efficacy of our machinery and the rectitude of our cause in apprising rebels that the Ministers of England admit that our rule was acquired by "rapacity and perfidy," and is administered by a system, cumbrous and feeble and effete? Is not this the language of the Chancellor of the Exchequer, and can you suppose that that language will not be published, translated, and garbled from one end of India to the other? Is this the way to strengthen our government over those who are doubting whether they should submit to be governed by us at all? All Orientals dislike change—all Orientals are suspicious—all Orientals believe that the wiser you are, the more in any change you mean to dupe or to injure them; and, therefore, whenever you propose change for Orientals, take care that you propose it when your sovereignty is unquestioned—when your rule is calmly predominant. To institute a change in the midst of rebellion is too often considered but a treaty of compromise with the rebels. Take the language of the Chancellor of the Exchequer—say that our empire was acquired by unqualified rapacity and perfidy—say that it is matter of doubt whether the empire be a boon to England, and do you not justify rebellion? Accompany the change with the language of the noble Viscount, which has also been repeated by the First Lord of the Admiralty—say that the change is of no importance—say that it affects only the Home administration—say that it holds out to India no particular benefit or hope of amelioration—say that it will only make our rule more vigorous, or, as India will construe it, more arbitrary and stern—say that the Company, which you are now constrained to acknowledge has always opposed schemes of conquest, annexation, and religious intolerance, is no longer to be allowed to thwart, to admonish, or to recall a Governor General who may be stimulated by the lust of popularity or of fame to meditate schemes of annexation, conquest, or religious intolerance—and can you tell me that this may not provoke to rebellion the Princes who at this moment remain neutral, or even friendly to our rule? When it is understood in India that you propose to new model the machinery of government in such a manner as to render the Governor General more despotic, when it is understood that a large party in this country is opposed to this scheme, and that months may be spent in discussing it, and when all this occurs in the very ferment and meridian of disaffection—when the whole population of India is, I will not say hostile to you, but still in that state of oscillation which the hon. and gallant Director (Colonel Sykes) could only describe by an expressive movement of his hand—when the whole state of feeling in that country is so delicate that no prudent man will venture to analyse it—will you tell me that, at such a moment, the very discussion of a change does not tend to weaken authority, and to provoke resistance? An important paper has been put into our hands to-day, to which I will briefly refer. It is a portion of a despatch from a commissioner of revenue, in which the writer states that many people endeavour to persuade themselves that the Natives are not aware of the contents of the English papers, and that, so far as they are concerned, it is immaterial what appears in those publications; but that, he adds, is a great mistake—the English newspapers have for many years been the source to which the Natives have looked for news and intelligence, and since the revolt commenced the greatest anxiety has been manifested to learn what those papers say. Every one who is fortunate enough to get hold of an English paper is called upon to translate it for a large circle of Natives, and there can be no doubt that whatever appears in those papers which can in any way serve the purposes of the disaffected is speedily made known to them by agents in Calcutta or elsewhere. If this be so, who can doubt that these debates will not be extensively translated among the Natives? In England we think little of imprudent speeches. Gentlemen may cheer the Chancellor of the Exchequer when he denounces the founders, and questions the value of the Indian empire. But what will be thought of such opinions stamped with the authority of the Queen's adviser, by men who are actually rebelling or considering whether they should rebel? At what period did the necessity for this change flash on the inexperienced mind of the noble Viscount? For fifty years the noble Viscount has been in the service of his country, one of the most eminent statesmen which this country has ever known. Whatever may happen to him, his name is immortal in the history of

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this country. Well, but in that interval, we have had momentous wars in India; and yet in that interval the evils of what is called the "double Government," or what the right hon. Gentleman the First Lord of the Admiralty called the "compound Government," never seemed to occur to the noble Viscount. They never occurred to him at all till—when? Till any check or counter-check whatsoever is extremely inconvenient to the single Government of the noble Viscount. Says the noble Viscount, "Under the present system we have no responsibility — we want more responsibility." The Chancellor of the Exchequer echoed the same plaintive cry —"We want more responsibility." No, you do not want more responsibility—what you want to obtain is more power—and power not only over the population of India, but over the Parliament of England. When the right hon. Gentleman the First Lord of the Admiralty got up, I own I felt a lively interest to know what he would say on this point. I recollect the speech the right hon. Gentleman made in 1853. He then said, "I, as President of the Board of Control, have as much responsibility for whatever happens in my office as the Secretary for the Colonies has for whatever happens in his." I therefore felt a lively interest, when the right hon. Gentleman got up this evening, to know his opinion. Did he retract? Did he say that upon reflection he had discovered that the President of the Board of Control was not responsible? No; his great object was to show that the present Court of Directors were a dependent body, and, therefore, that the President of the Board of Control was actually responsible to Parliament. That was the whole of his argument. But, says the Chancellor of the Exchequer, it is only in stress of weather that the vessel can be proved. The metaphor is not very new; but, as coming from a Gentleman of his solid attainments, any metaphor acquires the grace of novelty. It is only in stress of weather that the vessel can be proved. That is true; but only just observe the ingenious manner which the Chancellor of the Exchequer has of proving the vessel. He and his friends, who are the temporary passengers, throw overboard the tried and regular crew, and appropriate to themselves the cargo. That is the ingenious mode by which the Chancellor of the Exchequer proves a vessel! What does he mean by stress of weather? He means that this is a time of peculiar emergency — a time of mutiny, revolt, and disaffection. Well, let us grant that it is so. But now tell us in what joint has the vessel parted? In what single instance, metaphor apart, has the Company failed you? Has it failed you in a single instance by which it could assist you in putting down the mutiny or quelling the rebellion? No; it is to the Company we owe those instances of ability and heroism which have never been exceeded in the annals of any country in the world. And is this a moment to annihilate their existence, and to affix— there is no mincing the matter, for you do affix upon them in the eyes of India, of Europe—the ignominy of an abrupt dismissal, not only without a fault, not only without a trial, but in the midst of acknowledged and imperishable obligations? And by whom is it done? By that grateful Administration, whose numberless blots of policy and prudence, of energy and foresight, that Company has been lavishing the blood of its best and bravest in the endeavour to efface. Hitherto it has been the policy of the noble Viscount, and it is a generous policy, to support his officials, his agents, his employés, even though they should commit occasional acts of indiscretion. We are now, for the indiscretion of a couple of agents at Hong Kong, plunged into a war with China, of which none of us can conjecture the end—of which very few of us can conceive the object. But now, in a temporary moment of clamour, you refuse to stand by a great Company to whom you owe the acquisition, the preservation of India; and all its virtues are to be ignored, all its faults exaggerated, and itself thrust aside from all participation in the glory of restoring peace and security to an empire which was won by the genius of its founders, and which is hallowed by the graves of its martyrs. I have now a word or two to say on the speech of the First Lord of the Admiralty; but the right hon. Gentleman has so many claims to our respect and regard, he has served this House and the country with so much ability—and I understand that he has, in much bodily suffering, come down to the House this evening from a desire to show respect to the House, and to acquit himself of the charge of inconsistency — that I think it would be ungenerous in me if I were to triumph over the weakness of his argument under these circumstances. I shall content myself, therefore, with observing that the

greater portion of his speech to-night was an inadequate answer to his argument of 1853, and consisted mainly of those reasons for change which he then declared to be such utter rubbish "that no man of sense would answer them." But he thinks he obtained a triumph over my hon. and learned Friend the Member for Enniskillen (Mr. Whiteside) and other hon. Gentlemen on this side of the House. He says that in 1853 the Member for Enniskillen, and others on this side the House, voted in favour of carrying on the Government of India in the name and authority of the Crown. Well, why not? I myself think that would be an advantage. I think the right hon. Gentleman urged a new and a cogent argument in favour of it, deduced from the increased number of British troops to be henceforth employed in India. I see nothing at all inconsistent with that view in the whole of the speech of the hon. and learned Member for Enniskillen. Nothing can be more obvious than that the Company are the trustees of the Crown; than that every act that is done in relation to the Government of India is at this very moment approved of by the Crown, ratified by a responsible minister of the Crown; that, in short, such acts are acts of the Crown. Well, then, supposing that to-morrow you were to pass an enactment by which the Government of India should henceforth be carried on in the name of the Crown, that would not—and I appeal to any lawyer in the House to say whether I am wrong—that would not necessarily destroy the existence of the Company; it would not necessarily alter the position of the Board of Control and the Court of East India Directors. I, myself, am for carrying on the Government of India in the name of the Sovereign. But I go much further than that in the way of concession. I grant that it may be inconvenient that the respective places in which the business is transacted should be so far distant from each other as to be an obstacle to the despatch of public business; I grant that it may be proper that the two bodies should meet either in the same building, or buildings contiguous to each other; although, so far as the question of the preparation of the despatches is concerned, I must do the hon. and gallant Gentleman (Colonel Sykes) who commenced the debate this evening, the justice to say that he made a most admirable answer to that; but I will, for the sake of argument, suppose that the history given with reference to the delay of despatches is correct, and that that which was said by the hon. and gallant Member for Reigate (Sir H. Rawlinson), by the Secretary of the Board of Control, by the Vice President of the Board of Trade, was the fact—granting, I say, that the present mode of communication between the Court of Directors and the Board of Control is too tedious and prolix, cannot you make all the necessary improvements without destroying the Company? That is the point which I wish to impress upon the House. Granting all the defects of which Her Majesty's Ministers complain, I venture to say that, if you had come down to the House with a simple Bill to remedy those defects, you would have met with no opposition to it. But, Sir, even if I assume, for the sake of argument, that it is quite right to destroy the Company—further than that, if I assume that the present is the right moment for so doing, am I, therefore, obliged to accept the substitute which you propose? Am I obliged to accept the principle of your Bill? The hon. and gallant Member for Reigate himself, although he is going to vote for leave to introduce it, cannot accept the principle of the measure. What! Did not the hon. and gallant Gentleman say that he wished the Council to be independent? Did he not say, "I want the Council to be chosen not by nomination, but upon some principle of election?" But look at the Bill. Is not its very essence nomination? You say that for the Board you constitute you may obtain some of the most eminent of the existing Court of Directors. The great inducement held out to this House to persuade it to accept the measure is this—that you may possibly obtain for your new Council a small portion of that wisdom possessed by the Court which we are now called upon to abolish. Sir, I do not believe that the more eminent of the Court of Directors will condescend to sit as mere Ministerial nominees at that Board you propose to institute. But grant that they do. Do you mean to say that there is no difference between a Board which consists of Ministerial nominees and a Board in which the same men are animated by the pride of an independent class, and exercise the functions of a responsible body? Take the twelve most eminent men in this House; place them in the legislative council of some absolute Sovereign, and will you venture to tell me that they would exhibit the same high-spirited intelligence;

that they would be impressed with the same pure and noble feeling of grave responsibility by which they are now distinguished? If you want to govern India by clerks, call them clerks; and, as clerks, let them be nominated. If you want councillors, councillors must be free. You will substitute, you say, for an existent independent Council, the superintendence, the vigilance of Parliament. The noble Lord condescends to flatter us by saying that it is all very well for people out of doors to disparage the House of Commons, but he does not think that any hon. Gentleman will get up here and say that we are not just as wise, just as capable of administering the affairs of India as a set of merchants. Sir, I hope the Members of this House are too manly to accept that species of adulation. We all know the merits of this illustrious assembly of which we are so justly proud, we also all know its defects—there is no man who knows them better than the noble Viscount. If upon any question, however trivial—if upon any question of foreign policy, not half so important to us as the affairs of India, not half so delicate to deal with—some hon. Gentleman were to ask a question of the noble Viscount, would not the noble Viscount rise with more than usual stateliness, and would he not as good as tell us that we had better attend to our domestic legislation, and imply that it was not well that such delicate matters should be handed over to the tender mercies of a popular assembly? Suppose that this Bill passes, and some young and innocent Member, anxious to assert that vigilant superintendence now held out as so strong and seductive an inducement in favour of this measure, should venture to put such a question as—What are the intentions of the Government regarding the Nizam?—what the true state of our relations with Holkar or Scindia?—do we not know perfectly well that the noble Viscount would rise in his place and say, as he said the other night, "that without meaning anything personal, the question was extremely absurd." And, indeed, for my part, I own to a wholesome dread of hon. Gentlemen cramming themselves with blue books, and coming down to the House with an elaborate speech about Rajahs and Nawabs conceived in accordance with the respective interests of party; sometimes, as the case may be, to defend some more than ordinary act of duplicity by which we had annexed a kingdom; or, on the other hand, to declaim against some measure which might be necessary to the stern necessities of Oriental rule, but painful to the feelings of an English popular assembly. That would be dangerous for India; but still more dangerous in its effects upon the moral character of England, which it cannot be well to familiarize with all the details of despotism, all the excuses for arbitrary powers. Before you can judge with discrimination of a policy applied to Orientals, you must learn to Orientalise yourselves; you must be familiar with the customs, the laws, and the manners most at variance with all your own free institutions; you must know the principles and the forms of a mythological religion which, I suspect, very few of us can comprehend, but which is interwoven with the habits, with the feelings, with the affections, with the daily routine of Hindoo life. Without some clear perception of the mode in which that religion influences and colours all the social and moral existence of Hindoos, how can you even pass an opinion on that administration of justice to which the superintendence of Parliament is to be involved? You may sanction penalties which, to your English ideas, will seem mild and equitable, and which, to a Hindoo, seem the most exquisite torture. And why? Because such penalties, mild in their operation in this life, may, according to his creed, affect him in the life to come; and, in forfeiting the sacred privileges of his birthright, condemn him to countless ages of degradation. But you will peaceably escape this danger. The House will have the wisdom to shun it—the House will never habitually exercise the superintending vigilance you commend to it—it will only interfere with the despotism you are about to establish whenever it suits the interest of party to assail a Minister, or asperse some illustrious name. But be that as it may, I content myself now with the simple declaration, this is the moment not to legislate, but to arm. This is the moment, above all others, when you should give to that authority which is already established in India, and which has never failed you, all the force, all the power of your own unanimity. This is not a time when you should damp the ardour of England by tracing to perfidy the empire you ask it to defend. Rather should you appeal to the conscience of Englishmen for every aid they can raise and send

forth, to protect from carnage and massacre their countrymen, their women, and their children. Your Indian empire has passed through the perils of a mutinous army; do not expose it to the more fatal ordeal of an organized system of favouritism and jobbery. That empire was won by the valour and intellect of the middle classes, of whom you call yourselves the representatives; and it is for you now to determine whether it shall henceforth be jeopardized by official imbecility and Ministerial corruption.

LORD JOHN RUSSELL: The hon. Baronet who has just sat down has, by his eloquent speech, added another illustration of the strange nature of this debate. The hon. Gentleman the Member for Huntingdon (Mr. Baring) proposed to us a Resolution to the effect that this is not the best time to legislate upon India. The hon. Gentleman enforced his views with his usual ability, and confined himself very much to the topics of his Resolution. I must say fairly to the hon. Gentleman that if he had gone into the Cabinet with his reasons and been successful in persuading the Ministers of the Crown that it was better to defer for a year the consideration of the Indian question, as by that time we should have more knowledge and calmer minds, I conceive the House would have been contented with that solution of the question. But our position now is that the Ministers of the Crown have proposed to us to consider the question of India, and we have for three nights been debating that question with but very few speakers who support the argument for delay; indeed, the supporters of the hon. Gentleman, on the contrary, have urged every argument to show that the present form of government should not be disturbed, that the India Company should be kept in the same form in which it at present exists, and that there would be the greatest danger in making any change. If the House agreed to the Motion of the hon. Gentleman, would this House be satisfied or would any one be satisfied, that there ought to be no alteration of the Government of India? If the proposal were that for this year and at the present time there ought to be no alteration, would not there be the greatest doubt both here and in India as to what was the meaning of that Resolution? Would not every man's mind turn on the questions—Does the House of Commons mean to alter the government of India? Is it deferred to next year? Or, is it to be postponed for many years—for an indefinite period? I can conceive the value of a Resolution saying that this House is contented with the government of India by the East India Company and the Board of Control. You would then have some certainty and some security. I can conceive the wisdom of agreeing to the Motion of the noble Lord by giving him leave to bring in the Bill. But I confess I cannot see the wisdom of a course by which the whole question is to be hung up in suspense, and no man is to be able to say what is to be the issue of our deliberations. I hope, therefore, the House will not agree to the Resolution of the hon. Member. I confess I am not persuaded, however plausible the arguments, against legislating during the existence of a revolt in India. I remember that we legislated upon the Catholic question while Ireland was almost on the verge of civil war. I recollect that we legislated for a reform of Parliament at a time when the agitation of the country was bursting into tumult and riot. I recollect that at the time we repealed the corn laws the public mind was far from tranquil. It would really seem that this House, with a wisdom which it is difficult to commend, but certainly a wisdom not unusual, abstains in quiet times from legislation that is not needful, feeling that when the crisis comes it is fully equal to meet that crisis and to provide for each emergency as it arises. I will, therefore, address myself to the question which I think is really before the House, whether we should make or not make any change in the government of India, for I think we may conclude that, if it should be the opinion of this House to agree in the Resolution setting aside the proposal to legislate, the whole matter will remain in doubt, and perhaps years elapse before it is taken up again. What, then, is the position of the Company? I am quite willing to admit their merits. I am quite willing to admit that they have staved off great evils, and that they have conferred on this country great benefits, but I remember the remark of as shrewd a man of the world as ever I knew, who went through the whole period of the French revolution, with regard to France, which was his own country, "that men were always guarded against dangers which had passed, and never against dangers which were to come." He gave an illustration of this view, which I need not detain the House by repeating, but I apply the remark to the case of our present

position with regard to the East India Company. It is perfectly true, although my right hon. Friend the Chancellor of the Exchequer has been much blamed for mentioning it, that all parts of this House were indignant against oppressions in India, which they considered to be unjust, and which were carried on by the then Governor General of India. Mr. Dundas came down to this House, and after a speech of three hours, moved that Mr. Hastings should be recalled. The Court of Directors went one way,—the Court of Proprietors went another. The whole matter was in confusion. Mr. Hastings continued as Governor General. The object both of Mr. Pitt and Mr. Fox, was to find a remedy for this state of things. The remedy which was adopted was that of Mr. Pitt. Mr. Fox proposed to place the remedy in the hands of Parliament, Mr. Pitt proposed to place it in the hands of the Crown; but he placed for that purpose a very effectual check upon the Directors, upon the Proprietors, and upon the Governor General of India. He prevented, by means of the Board of Control, orders going out to India to sanction aggressions of a similar nature to those of Mr. Hastings. This measure was perfectly successful. From 1784 to the present day we have had no reason to complain of aggressions of the Governors General of India which were not authorized from home. But I beg to submit that the danger, which we have before us, is not the danger which occurred previously to 1784. Those very checks, those very obstructions, those very devices to prevent action which were wise in 1784, are inappropriate at the present time. What we want is unity; what we want is despatch; what we want is concentration, and therefore, I say, that we must not apply to the present day the remedy which was good for our ancestors seventy years ago. There is another point of view also from which this question may be looked at, and that is the gradual loss of authority on the part of the East India Company. That Company was formerly a most powerful Company. It engaged in a monopoly of the trade with the East, and combining that monopoly with great political influence, having forts in one place, factories in another, or perhaps forts and factories conjointly, it presented to the world a spectacle of what may be called an anamolous and yet a harmonious body. Now, what has been done since that time? In the year 1813 the question of the powers of the East India Company was debated by two very able men, Lord Wellesley and Lord Grenville. Lord Wellesley assumed the position that the monopoly of trade should be retained by the East India Company, while Lord Grenville was desirous of depriving them of it; but upon one point both were agreed, and that was, that the authority of the Company could not be maintained unless its trade monopoly were maintained also; "Therefore," said Lord Wellesley, "as I wish the monopoly to be kept by the Company, so I wish the Company to be maintained;" while Lord Grenville said, "As I wish to destroy the monopoly, so I am prepared to do away with the Company." It is obvious that both those able men saw the close connection between the power of the Company as rulers and as traders. In 1833 another blow was struck at the authority of the Company. They were deprived of their trade altogether. They were deprived of their China trade, and all their forts and factories and everything they possessed, were taken from them at a fair valuation. In 1853 another change was made in the constitution of the Company by introducing into the Court of Directors a certain number of persons to be nominated by the Crown. There was, however, another change in the Act of 1853 more important still, for whereas by the Acts of 1793, of 1813, and of 1833, the charter had been granted to the Company for twenty years, the Government of the Earl of Aberdeen reserved the whole question open for the consideration of Parliament by declaring that, at any time, after any interval, however short, the Crown might give notice to the Company that their authority was about to cease, and their territories taken under the actual administration of the Crown. The hon. Member for Huntingdon is certainly not authorized in assuming that there was any kind of deceit or stratagem concealed in the proposal which was made by the Government of the Earl of Aberdeen. I believe it was the general opinion of the Government of my noble Friend that although it was not wise to disturb the existing arrangement at that time, in a few years it might be thought that the Government of India would be better conducted in the hands of the Crown, and that the authority of the Company should not be any longer maintained, and they wished therefore to reserve to Parliament full power and liberty to deal with

the subject at any time. The great question, however, is—are there any reasons which would render it desirable at the present moment to take this authority out of the hands of the Company and transfer it into the hands of the Crown? Now, Sir, I speak upon this subject with the deepest sense of its importance, with the deepest sense of the great and inestimable value of our Indian empire, with a dread of in any way disturbing the security of that empire, and with the wish of providing everything which can be provided for the maintenance of that security; but at the same time I cannot but see that there is in the constitution of the East India Company itself, as regards the Government of India, a source of great and serious danger. That danger has been seen by men of the highest ability in this country, and by men well versed in Indian affairs. It was seen by Lord Metcalfe, by Sir John Malcolm, and, I should add, by Lord William Bentinck. I mean the danger arising from the great Sepoy army, the great army of Bengal. Many hon. Gentlemen have entered into a discussion as to the causes of the mutiny which has lately occurred, and my gallant Friend near me (Colonel Sykes) has attributed it entirely to a fear of some interference with their religious liberty. Now, that may be so. I do not dispute it. Other causes have also been given, but I would wish to go further back. I would not wish so much to inquire into the cause of the late mutiny as into the cause of the existence of the Bengal army itself. If we look through history we shall find no parallel case nor anything at all resembling it. The Romans held Spain with a single Roman legion. With a like force they held Africa and Egypt. It is true that auxiliaries were attached to those legions, but the really armed and effective body was the Roman army itself, and the Romans would never have dreamt of having a large Native army to rely upon in case of emergency. Look to our own Colonies—which by those who take the part of the East India Company have been made matter of reproach—and see what might have been the result if we had followed the principle which has been adopted in India. Consider the position of our colonial empire, acquired as it has been from time to time, cemented by British blood, and fortified and strengthened by the wisdom of this country, and do you think that we should not have experienced great difficulties if we had in our various colonies raised a force similar to the Native force in India? At one time the nationality of Canada was aroused under the direction of an unscrupulous but able demagogue into resistance to the British rule, and what do you think would have been the result if we had organized in Canada a considerable body of French Canadians? As it was, Lord Seaton had nothing to do but to attack a few ill-armed peasants scattered through the villages, and in a few days the insurrection was at an end. What do you think would have happened in the Ionian Islands if Sir Henry Ward, instead of having an English regiment, had been at the head of a Native force armed and disciplined? What, again, would have happened in Ceylon, in 1848, if we had organized and disciplined a large force of Cingalese? Let me, then, glance at what the condition of the Bengal army really was. Lord William Bentinck said of it that it was the most costly and at the same time the most inefficient army with which he was acquainted. Lord Metcalfe said of it, that as long as that army was faithful the British rule was secure; but if that army became unfaithful, there was no knowing what might occur. Sir John Malcolm said, that the position of the British in India was so precarious that no man could tell at any moment whence the danger might come, and that the cause of that precarious condition was, that the Native army, though it had been faithful for a long period, might waver in its fidelity. I remember myself to have seen in letters from officers mention made of four or five things which the Sepoys will not do. They will not bear the slightest suspicion of any interference with their religion; they will not endure the least want of compliance to their demands for pay or allowances; they will not embark upon the sea, nor will they work in the trenches, because it would lose them their caste, so that in sieges the hard work has to be performed under the hot sun of India by European troops, aided perhaps by Natives of a lower caste, who are not considered by the Bengal Sepoys to be fit to associate with them. Why, Sir, is it not obvious that while you have an army of such a nature you cannot be safe? And the question now to be considered is, not what was the cause of the mutiny, for in every year which has passed over our heads there has been a great probability of an outbreak, arising either from some trifling cause or from a wish to re-establish the Native

supremacy in this army of 100,000 or 150,000 men without our having the means of stopping it; but what is the origin of the army which has mutinied? Now what was the cause of our having this great army? Why, Sir, it arose from that system introduced by Mr. Pitt, a system which I believe he would have been fain to subsequently alter to a great extent. We all know how Mr. Pitt rose to power by professing the utmost regard for the chartered rights and privileges of the Company, to attack which would, he said, be a violation of the constitution and robbery and spoliation. Well, then, after the Board of Control was established, Mr. Pitt and Mr. Dundas, two very able men, naturally desired to have the government of India to themselves; and, accordingly, in 1786 or 1788 Mr. Pitt wished to send to India six English regiments which were not wanted at home, whereupon the East India Directors immediately protested against such a proceeding as being contrary to the Act of 1784. Mr. Pitt then introduced a declaratory Act, which declared that under the Act of 1784, it was intended that the Government of this country should have power to send troops to India—a thing which everybody knew was not the case, and thus in a somewhat clumsy manner he carried his point; but so great was the influence of the Company, even when Mr. Pitt was at the summit of his power, that they succeeded in procuring the insertion of a clause which limited the number of troops to be sent. Now, so far as I have gathered from gentlemen who have occupied the position of President of the Board of Control, and from officers high in the office of the Commander in Chief, I find the greatest jealousy exists as to increasing the number of the Queen's troops in India, and that the Government of India have always shown a decided preference either for Native troops or for the European troops of the East India Company. Believing that to be the case, I say I see at once the source of danger. It is rather late, it may be said, because this mutiny has actually broken out, and the army, which was like no other army on the face of the earth, which had in fact sole possession, which was petted and spoilt, as Lord Dalhousie said, according to the views of the Company and the Directors, has risen in open revolt; and it is put as if it were almost a matter of necessity for them that they should have massacred their officers, and with them the wives and children of those officers, in order to exterminate those who hitherto thought they had their confidence. But does not this require some decision on the part of the Government, and some expression of opinion on the part of this House as to what ought to be done for the future? And what, in the first place, must be done for the future? You cannot raise — you cannot even wish to raise up such a Bengal army as has mutined, and part of which is still in arms against the troops of Her Majesty. You must have a considerable army of the Queen's in that country. That army must be composed of European troops, of British troops. But when you have made that change you will have broken down the very foundation of the power of the East India Company. And surely you cannot say that an army of 50,000 or 60,000 Queen's troops shall be placed entirely at the disposal of the Company? You must use the name and interpose the authority of the Crown; and as the military power must hereafter rest in the Crown, so the political and civil power must follow it. Sir, that appears to me to be the urgent cause for legislation on this subject. Whether you should legislate this year or the next, it is a subject to which you cannot shut your eyes. The hon. Baronet who spoke last, instead of discussing merely this preliminary question, has discussed the merits of the Bill of my noble Friend at the head of the Government. Now, I entirely decline to follow him and others in that course. I say that the hon. Member for Huntingdon refuses to let us see this measure. The subject is one of vast importance; the particular provisions are, no doubt, of immense consequence; but I defy any man to argue closely and correctly of those provisions without seeing the Bill and examining their connection with each other. If I am obliged to consent to this change there are some things which I should wish to bear in mind in making it. I quite admit the great benefits that have accrued from the kind of independence which belongs to the Directors of the Company. I do not, however, see very well how a body of constituents like that which now exists in the Court of Proprietors can be retained as the foundation of the future Government. There is something absurd in a number of Proprietors of stock electing the governors of an empire like India, and when this question is stirred it can hardly be expected that such a basis of government will

be maintained. But everything that can be done to preserve an independent character to the Council should, I think, be carefully considered. And I say of this part of the Bill as I should say of the other parts of it, that if I find the provisions are not sufficient to attain the objects which I think essential, I shall be quite ready to join with any hon. Gentleman who can devise more security for the independence of the members of the Council. Another great object which I should desire to keep in view is that the great service of India—that great military service, one of the noblest, most distinguished, and most successful that has ever appeared on the face of the earth—should be upheld with all its honours, rewards, and emoluments, and with, I trust, the same advantages to India and to England which it has hitherto conferred. You may say it is a trifling matter whether you keep up this patronage in the middle classes or not. That is not the point. The question is, whether the men of the middle classes of England have not done everything for India that you could wish; whether they have not been men who have arisen after many years of faithful and laborious service, in a climate most unfavourable to health, to high stations, and having conducted themselves in those stations as the highest statesmen and the ablest generals of Europe have conducted themselves in their European campaigns and negotiations. And if such be the case, nothing shall induce me to agree to any provisions in this Bill which might in any way ignore or depreciate that service. There is another point on which I wish that we could have security; but in respect to which I fear we must make up our minds to encounter some danger. I wish it could be found, by any plan which gives to a Minister of the Crown the direction of the affairs of India, that you could prevent questions of Indian government from becoming subjects of party debate in this House. It is not, Sir, that factious men will take advantage of these questions; it is that while there are always a number of Members in this House who have the fullest confidence in the Government for the time being, there are also always another set of hon. Gentlemen, as we all know, Sir, who have no confidence in that Government, and who distrust either their competency or their honesty, or perhaps both. And the Opposition of the day, be they whom they may, are pretty sure to look with an unfavourable bias upon the measures which have been settled in India, and, perhaps, also in this country, after the most mature consideration of what is essential to the best interests of our distant dominions. We cannot, I fear, prevent Motions and discussions in this House on the affairs of India; but we have stood that trial with respect to the rest of our Government. There are many matters relating to foreign and colonial affairs which are of the utmost delicacy, and of which one would say *à priori* that nothing could be more injurious to the country, and more calculated to throw difficulties in the way of a satisfactory settlement of them, than to make those delicate and difficult matters the subjects of popular debate and the theme of angry party conflicts. But that, Sir, is the condition of our existence. It is a principal feature of our constitutional life. We must bear with it in India as we have borne with it elsewhere. I see the peril, perhaps, as clearly as any one. I see how much moderation it will take in order as much as possible to avert it; but I own I perceive no alternative but that of looking this question in the face, of endeavouring with all the deliberative wisdom of Parliament to arrive at a solution of as large a problem as we have ever had before us, affecting the future fate of the great empire which has been intrusted to our hands, and which we are as it were the instruments of Providence in holding for the benefit and happiness of millions and millions—a duty which, I trust, we shall perform well, and one which I feel sure we cannot avoid.

Mr. DISRAELI: I have listened to the interesting narrative of the noble Lord, which included a history of the Sepoy army, with an emotion which I think must have been shared by every hon. Gentleman in the House. No one could listen to it without feeling at every step and sentence of the noble Lord, that the Indian empire has been the most critical portion of Her Majesty's dominions. But what surprised me most was, that with his full acquaintance of the subject, and his profound conviction of the imminent peril, the noble Lord, in 1853, had not thought fit to call the attention of his colleagues and their consideration to the state of affairs which formed the subject of his present comments. Sir, I agree with the noble Lord, that it is a question of great difficulty. It is not certainly my task to-night to vindicate the elements of the constituent body by which the Directors of the East India Company

may be chosen. It may be possible that the constituent body is only correctly described by the epithets used by the noble Lord: but surely, in 1853, when we were called upon to consider the whole question of the Indian empire, and the best means for its administration and government, the noble Lord must have been equally sensible of what he now styles the absurdity of hose elements. Nor do I feel at this moment that the noble Lord was peculiarly happy in the argument which he urged, and the illustration which he offered us to show that this is the time for legislation respecting India. According to the noble Lord, the illustration would run thus:—We legislated in favour of our fellow-subjects in Ireland professing the Roman Catholic religion at a time when we feared an insurrection in that country; and, therefore, we should not shrink from doing the same thing when there is an actual insurrection in India. But, with great submission to the noble Lord, the state of affairs in the two countries is wholly distinct. The difference between the two cases is so great as to destroy altogether the force of his reasoning, and the appositeness of his illustration. I can conceive very easily a statesman proposing a measure of legislation in the case of a threatened insurrection, with the view of preventing it; but surely with a country in which an insurrection actually rages, no identity can exist to justify the illustration upon which the noble Lord lays such stress. Now, when the noble Lord enters into the causes of the Indian revolt, and on these causes founds his arguments in favour of legislation, I cannot forget that when, last year, I asked the House to inquire into these causes, there was no one more strong, I might even say more violent, than the noble Lord in opposing my proposition. The noble Lord was then heard declaring emphatically that, until the insurrection was completely put down, it was idle to investigate what might be its cause; and that all the energies of the country should be devoted to its suppression. Now I myself have long been of opinion that it was a matter of high policy that the relations between the Sovereign of this realm and the inhabitants of India should be drawn more closely together, and should be rendered more direct. I have for a long time been persuaded that, upon such a consummation, the administration of India would be greatly improved, and that such a change would be the precursor of benefits to the population of that country, and indeed to the population of our own, which it would be difficult, I think, to exaggerate. In examining this question now brought before us—in bringing all my powers of investigation to bear upon the measure of Her Majesty's Government—I, at least, am not influenced by any prejudice, because the bias of my mind—and none of us can be free from bias upon a question of such magnitude—is rather in favour of a measure which, it is understood, is the object of the proposition of Her Majesty's Ministers. Nor, in considering this question, as we have heard a great deal said about party feeling, could I be at all influenced by the hon. and learned Member who proposed the Amendment on this occasion. Because, although it is an honour, which I greatly appreciate, to possess the friendship of the hon. and learned Member for Huntingdon, it was only at the end of the Session last year that that hon. Gentleman informed the House, and then not for the first time, he regretted upon the subject of India that my views and his so little agreed. Therefore, when I come to ask myself as to the course I shall pursue on this question, I feel that I may approach it without prejudice, and until the argument which I shall briefly submit to the House is answered, I shall believe that the course which I shall take myself is also the course which the House ought to adopt. Now, if I had thought that a change in the direction recommended by Her Majesty's Ministers was one which would draw the relations between the inhabitants of Hindostan and this country nearer—if I thought that such a change would gradually improve the condition of the inhabitants, I should certainly support it; but I must express my opinion that the operation and effect of the measure proposed will produce in both instances an effect the very contrary. And now, Sir, in the first place I would ask the House, before it comes to a decision upon the question, to consider the influence which the Vote they are called on to give will have on the finances of this country. I have not heard that question as yet clearly put. It appears to me to be not only one of great importance, but one which is extremely pressing and imminent. We have had, on several occasions, controversies as to the identity between Indian and English finance; and I believe that the general opinion has been, that, although it may not be possible altogether to sever them,

the means by which they will be inseparably united is one of a gradual and perhaps of a protracted process. But let me remind the House of a Bill laid upon the table lately for raising money for the service of India; let me remind the House of what must be the effect on our finances and the Indian finances by this proposition. It is idle any longer to distinguish between English and Indian finance. If the President of the Indian Council—the Queen's Minister in Downing Street—should find it necessary to raise money by a public loan, to pay Her Majesty's troops in India, it will be idle, when the dividends on that loan are due, if the exchequer of India is empty, to pretend that the revenue of India is alone liable. Every Gentleman must feel, immediately after such change takes place, that the difference between the finances of India and of England cannot be maintained for a moment, and that a blow to British credit in the very Metropolis would be inevitable if such a plea, under such circumstances, could be urged by a British Minister. Well, if that be true—and I cannot suppose for a moment that any hon. Member in this House, if the Bill passes, will for a moment contend that the distinction between Indian and the English finances can be maintained—before I proceed to the examination of this Bill, I would ask the House to consider what are the relations at this moment between the finances of England and of India. We have documents to show that there is, at this time, a chronic deficit in India of about £2,000,000 per annum. We have a paper—I do not know whether and it is generally circulated—by which it appears that, next year, there are to be in India 92,000 of Her Majesty's troops; that is to say, 52,000 troops in excess it is official, but it certainly is authentic, of the established number to which we have been long accustomed, and which are to be provided for by the routine finances of India. You may put down as an average expense for a regiment, infantry or cavalry, £90,000 a year; so that you must estimate the cost of those 52,000 troops at between £4,000,000 and £5,000,000. You are to deduct from that the expense of the Bengal army which has been superseded; but the expense of that army was only one moiety of that sum of between £4,000,000 and £5,000,000 sterling. You have, therefore, when you are adopting the government and liabilities of India, which you are asked to do as a matter of course, without consideration, to adopt a deficit—a chronic deficit—of, at least, £4,000,000 sterling. Now, I think the House will observe, that I have put this without the slightest reference to the consequences of the late and the present disturbances on the finances of India. The deficit in India this year may, and probably will be £11,000,000 or £12,000,000. Taking those extraordinary influences, out of consideration, and looking merely to the chronic deficit — that deficit which has gone on for several years—and adding to it what appears to be an inevitable increase of expenditure for those forces which the noble Lord has just told us were the foundation of our Indian authority, you have to deal with an Indian deficit of between £4,000,000 and £5,000,000. Now, Sir, what is the position of this country at the present moment? Have we a surplus revenue of such an amount that we can look with calmness and composure on a proposition of this kind—on the introduction of a policy which entails upon this country such a liability. The Chancellor of the Exchequer has not yet told us what is the state of our finances. His communication on that subject is one that cannot be long delayed, and the night on which it is made will be one added to those nights of interest which this Session promises to produce. I do not presume to form an accurate estimate as to what the revelation then to be made to the House of Commons will be; but this I will say, that I would not take £7,000,000 sterling to pay the British deficit which will be introduced to us by the Chancellor of the Exchequer within the course of the next month. Now, are you prepared, without thought, supposing only that you are doing a sentimental act, by changing the government of a country—are you prepared, by an aye or a no, to entail on the Minister of Finance of this country an immediate deficit of between £11,000,000 and £12,000,000 sterling? — for that, the House may be sure, will be the immediate consequence of the proposition of the Government which we are called upon to sanction, and which I am afraid so many of us were at first so recklessly prepared to accede to. Sir, before the House of Commons, before England undertakes the government of India, they should make themselves masters of the resources of India—they ought to make themselves masters of the means of managing the resources of India—they

ought to make themselves masters of the mode by which the revenue is raised, and the expenditure of the country controlled. This shows how completely, in this business, we commenced at the wrong end. India is not governed in Cannon Row, or in Leadenhall Street, it is governed in Calcutta; and if you pass an Act of this kind, which by a phrase would assume to change the Government of India without acting on the more distant and real Government, you will be entailing on this country all the consequences of the policy and the engagements of the Government in Calcutta, while in effect you will have no control whatever over the system which prevails in that country; and you will find that when you have passed this Bill, you will have less means of governing India than even you have now in the somewhat roundabout system which exists. Remember what constitutes the Government of India. If you are to form your opinion from the Bill of the noble Lord at the head of the Government, as defined in his speech, you would suppose the Government of India depended on a few individuals living in England, and receiving public salaries and obeying the dictates and commands of a Minister of State. But the Government of India is something very different from that. The Government of India has to deal in the first place with the raising of a large revenue, and it has to deal with the raising of a large revenue which is not adequate to the expenditure which that Government requires; and unless, when you take upon yourself all the pecuniary responsibility of India, you at the same time take measures by which you can appropriate the revenues and prudently manage the resources of India, all that you will obtain from the Bill which the Government are asking you to permit them to introduce will be that you will have to supply the deficiency, and to pay for the expenditure of a distant Government, over which you will have no control. Such a proceeding will, as I shall show you, inevitably aggravate all those injurious consequences which you imagine by this Act you are going to put an end to. Now, Sir, what you want in India is a total change in the system of administration in that country itself. You want power to inquire into the expenditure which results in this deficiency. You want power to examine into your relations with Native Princes. You want power to investigate as to the means by which your Indian revenue is raised. You want power to improve the system of the tenure of land in that country, and to enable you to bring all the Native labour and capital—and they are both abundant to the cultivation of the land. You want all those things without which the revenue of India cannot extend. Remember what the revenue of India is. You have had statements of that revenue before, but they were of no interest to the House of Commons or the country, because they are not responsible for the existing engagements. The revenue of India is principally raised from the land by means which pauperises the country, and by which those who are acquainted with it, however they may differ on different schemes by which the revenue might be raised, agree that the revenue cannot be increased. Revenue is also raised from a very precarious and not very honourable source. Those things, managed with very great talent and discretion by those on the spot, by peculiar services organized for that duty, and whose existence depends on the fact that your revenue in India should be so raised, have hitherto, with great occasional disadvantages and deficiencies worked pretty well; but matters will be quite different when the credit of England and that of India are perfectly identified. No one will have then any great object in managing the revenue of India, of which the deficit is to be supplied by the Chancellor of the Exchequer and the House of Commons. I say again, you have begun at the wrong end. You ought to have begun with the course which I took the liberty of recommending last year, when I suggested that when you put down the rebellion you should send a Royal Commission to India with plenary powers. It would be for that Commission to examine those great questions; to revise and re-establish your relations with Native authorities. It would be for that Commission to re-organize your forces, for you will have to raise Native forces—large Native forces — and on the system upon which your Native forces are raised the pecuniary position of India will considerably depend. That Royal Commission would also have to investigate into and decide upon the plans by which the revenue of India should be raised; and it ought to inquire whether the tenure of land in India, on which all depends, might not be modified in a manner beneficial for all parties. When Parliament had made itself master of the situation—when all this knowledge had been

acquired and all those arrangements made, then would have arrived the time to consider whether a change should not be made which would transfer the supreme Government of India to the Government of Her Majesty in this country. But at present we are hampering ourselves by immense liability. We are entering on a scheme which ought to make us all tremble; we have no security that those who really have the power—who manage the resources—who actually exercise the Indian Government will be in the least controlled for our benefit or will so exercise that authority, that we may not find from those proposed arrangements great and increasing evils. Let me ask the House for a moment, how, if we agree to this principle, it will act as regards the real Government in India? Let us assume for a moment that this Bill, as discussed by the noble Lord, has passed both Houses of Parliament and received Her Majesty's sanction, and that we have a President of India with his eight nominees. Now, in 1853, when, in company with my noble Friend the Member for King's Lynn (Lord Stanley) I implored the House not to enter in haste into the settlement of this question, but to enter into a full consideration of the question before they decided on the government of India, the principle then adopted was, that one-third of the Directors should be Government nominees. To that argument I raised an objection, which it appears to me remains unanswered to this moment. It appeared to me that the members of the Council nominated by the Crown should, of all things, be independent; and if independent, I did not see how their independence could be accomplished unless they were permanent. It appeared to me that to secure independence and knowledge were the great points, and that those results could only be achieved by permanency. It appeared to me at that time that a fatal objection to the Bill of 1853 was, that the permanency was not secured; but if that was a fatal objection to the Bill of 1853, when one-third only of the Directors were to be nominees of the Government, with how much more force does it apply now when it is proposed that all the Councillors shall be nominees? Now, Sir, how will this work? Let us see the influence which this plan would have on the Government of India, and the fatal reaction it will have on the fortunes of this country generally. Now, the Government nominees, according to the plan of the Minister, cannot be independent. They are limited in number, and every element of their dependence is provided for. We are not to see them in this House; they are to be screened from the control and constitutional criticism of Parliament. What will be the influence of the nominees on the President of the Council of India? Why, Sir, they will have the influence with their superiors which inferiors generally exercise; they will have no influence unless they pander to his interest; and none will be commended—none will be looked on as assiduous and energetic—but those who are his assiduous supporters and those who are active to accomplish the purposes of the Government. It requires no argument to prove that, so far as influence is concerned they will sink into that insignificant position which is the inevitable lot of persons placed in such circumstances. They will be creatures of the Minister. The Minister may rid himself of them whenever he likes. A plausible and adroit Minister might get rid of all the eight Government nominee Councillors in twenty-four hours. This dismissal might be ably defended on economic grounds. Let there be another cry for administrative reform, let there be another demand for economical reductions, and I can imagine no Minister more popular than a Chancellor of the Exchequer who, in making his annual statement, should dilate upon the reductions in the public service, the large amount saved to the nation, and the diminution of expenditure by a patriotic Ministry. He would enter into all the details, give us a catalogue of all the salaries diminished, and all the places abolished, and would wind up by saying that he had the greatest satisfaction in informing the House of Commons that his right hon. Friend the President of the Council in India, with that public spirit which had always distinguished him, and that devotion to public business for which he was remarkable, had found out that the eight members of the Council were of no use whatever, that he could do all the business himself, and that £8,000 a year might be saved to the public service. Where would be the eight Councillors? In the same tomb with the lay lord of the Admiralty, and many other persons who have departed from the scene of political life. We shall, practically, have a single and solitary Minister in Downing Street. I will admit, whoever he may be, his great talents, his great experience, and unrivalled

energy. But still, with all these great qualities, what will be his position? With all the demands which Parliamentary life makes upon him, and which will be greater in proportion to the brilliancy of his abilities and the energy of his mind, what will be his position when he is called upon to transact the business of the twenty-five nations of Hindostan? Sir, there is no intellect that will not sink perplexed and overwhelmed under such a task. What, then, must the consequence be? Everybody in this House must know. He must trust entirely to the Governor General, who will become a despot. It will be impossible for a Minister in England to grapple with the details of Indian affairs, he must trust to his Governor General, and what will be the position of the Governor General? You think you have obtained Indian reform by this Bill; but you have not touched it. The Governor General may be able and ambitious—anxious, as most men are, that his name should descend to posterity. He will undertake great conquests; he will undertake great works. He will take care that his administration shall be brilliant and famous. The expenditure of India and the deficit will increase every year, because the Governor General will depend upon the admirably conceived and highly gifted labours of the civil servants in India, and they will support and assist him as long as he supports and assists them, and so long as he depends on the revenue raised by the proconsular system which they uphold. They will support the Governor General so long as he carries out the system of government now established in India—a system which may have been admirably devised and admirably suited to India, but which if adopted by this country will soon have such an effect on our finances, that I believe it will not be a question whether we shall ruin India, but whether we shall ruin the mother country. But is that all? May we not have a Minister at home, who, though not able to grapple with the details of Indian administration, as no one man can, will be an able man, capable of taking general views, and who will not allow the Governor General to pursue his career without some notice being taken of it in a fine historical despatch, such as no one could write better than the noble Lord the Member for London? How will the Governor General, in such circumstances, manage a suspicious Administration in London? He will place at the disposal of the Minister the patronage of India. Wherever there is an important friend to be rewarded, or an opponent to be got rid of in a moment of emergency, in such exigent circumstances the Government will know there is an all-powerful friend who will assist them in the person of the Governor General of India. But when the Governor General has favoured all your creatures; when in hundreds of cases placed in difficult and dangerous circumstances, his power and patronage have always been ready to save you, can you call that Governor General to account? Will he not be the possessor of a supremacy of power such as I for one should be sorry to see any English subject command? The consequence will be, that instead of a change which will draw nearer the relations between the inhabitants of Hindostan and England, you will have a law calculated to produce exclusion and estrangement upon a great scale. Instead of a law that will allow you to breathe a new spirit into our Indian administration, and effect wholesome and regenerating measures, you will have an abyss established between the metropolis and Calcutta that no man in this House will ever be strong enough or bold enough to pass. Sir, it is a wise policy to establish the name of the Queen in India, but if you want to establish the name of the Queen in India—if you want to transfer thither the authority of the natural functions of the Sovereign—it is in India you must commence the change. It is in India those changes must be effected that are necessary for the good government of India. And the alterations you must make in England are but the consequences of the revolution, I will call it, that must be made in India. And you must at the very outset meet the financial question. You can no longer, now that an inevitable connection is to be established between English and Indian finance, allow a blind deficit to be created in India any more than in England. And by what steps will you effect this great object? A council of insignificant men, who may be swept off the scene in a moment, will be useless for such a task; and even the most distinguished men that ever ruled in England could no more in England deal with the great question of Indian administration than they could deal with the administration in some distant planet. I won't go into those questions that have been touched on by so many hon. Gentle-

men. I will not enter into the effect upon our free Parliamentary life of the increased patronage that will accrue to the Government. All these questions will develope themselves in time, and I will, after all that has been said, confine myself to the financial question, which has hardly yet been touched upon, but which is of all questions the most important. Twelve months will not elapse before you will feel the consequences in increased taxes. Remember how you were compelled to put an end to the increased taxation caused by the late war. Remember the impatience with which, when the war was concluded, the country regarded the heavy amount of direct taxation they had been called to bear. Think what the present state of our finances is. I am not certain that the Chancellor of the Exchequer is not now passing many anxious nights in preparing the ways and means for the present year to meet the wants and necessities of our dominions in Europe ; but when we reflect that the deficit in a year or two may be doubled by the steps you are now taking in regard to Asia, I beg you to consider what then will be the effect on the purses of your constituents. How are we to meet the constituencies when we have a deficiency of a much greater amount than we have ever seen in the times that are past? I entreat the House to consider seriously this question of finance. That is the way in which I would read the Amendment of my hon. Friend (Mr. Baring), who, I need not say, so far as I am aware, gave notice of that Amendment without consultation with any one. I say, then, it is not the time to legislate for India till we have had a much more matured plan of legislation before us. I do not place my argument, though it might be placed triumphantly and indisputably on the condition of India itself. I do not place it on the ground that until the rebellion is put down we should think of nothing else but devote all our energies to its suppression, although I think that objection would be sound and unanswerable. I put it on a more selfish footing. I take a lower tone, but one which I find must be urged and pressed on the attention of the House and the country. I am asked to take a step that will involve this country in pecuniary embarrassments that are frightful to contemplate. Till we have complete possession of the resources of India in India — till we have the means of availing ourselves of its resources—till we have taken the steps that are necessary to increase those resources, and place them in a sound and healthy condition, do not let us take a course which is not transferring the government of India from the Company to the Queen, but is only transferring the patronage of the Company to the Government in Downing Street. I won't say that is the object of the Bill, I will say that it can have no other effect. I lament that this question has been brought forward at this moment. I am not surprised that the House of Commons is at this period of the year involved in Indian debates. No one could suppose that we could meet without our time and our thought being called to this question, that we should meet without inquiring into the causes of the rebellion, into the conduct of the war, and into the policy of those Ministers who, with India in the position in which they tell us it is and has been for years, could have embarked in a war with Persia and the empire of China. That we should have inquired into all these circumstances I can understand; but strange indeed is the different lot which is awaiting us. The proposition that we have before us is this—that we are to increase the power of those who we believe, and events have proved, have exercised injudiciously the power they possess, and that we are to transfer authority to those who have proved by their conduct that they are not worthy of the authority which they already hold. Sir, I hope the House will hesitate long before it sanctions this measure. It is possible on a debate of this kind, originating with an independent Member, that a majority at this stage may be obtained; but I take it for granted that the hon. Gentleman the Member for Huntingdon wanted discussion—that he wanted the public attention to be roused to the immense stake now at issue, and therefore very rightly, and in that sense very wisely, he has lost no opportunity by which this attention should be attracted. We have heard over and over again in this House that India never could command attention here—that so long as there was a debate on India it was impossible to make or keep a House, and that it was a subject—however great its magnitude and vast and varied its details, in which Englishmen would never take an interest. I think, Sir, there is a very simple and satisfactory reason for conduct which I cannot say is much to our honour, and for circumstances which I own are somewhat humiliating,

Englishmen have never yet had to pay for India. That is the secret why India has never produced any interest in this House. Questions of conquest, questions of annexation, and even questions of rebellion, the greatest rebellion that has ever happened in our empire, last year hardly commanded attention because hon. Gentlemen, full of confidence in the Ministry and in their good stars, went out into the lobby and said, "Never mind, the Company will have to pay for it." Sir, I think that delusion is gone for ever. I don't think, after this Bill shall have passed, that there is one among us who will fail to see that there is a complete identity between Indian and English finance. Of all the delusions ever practised in Parliament was that arrangement of 1853, which afforded the House of Commons an opportunity of hearing an Indian budget. An Indian budget detailing the fortunes and progress of an empire for which we did not pay, and are not responsible, was a subject not likely to contribute much to the edification of the House, and who could be surprised that the Minister could not command a House to listen to the lucid narrative? But what I want to impress on the House is, that those days of Paradise are over. We may, in future, misgovern India, but in future we shall have to pay for it. We have been discussing these affairs for three or four nights, but no hon. Gentleman has descended from the high Empyrean of politics to touch on this vulgar point. Depend upon it, however, that day after day, week after week, and month after month, it will more and more develope itself until it acquires colossal proportions, and, if you wish to take a prudent step and seize the opportunity of examining your position before incurring fresh responsibilities, I recommend you to wait till you have seen the budget of the Chancellor of the Exchequer, before involving yourself in the question of Indian expenditure.

Viscount PALMERSTON: Sir, there is nothing more curious sometimes than the progress of a debate. This debate began by the hon. Member for Huntingdon moving a modest Amendment, and professing that the question was not one that ought to be treated in any party spirit, that it was simply a matter of opinion, and that upon that ground he called for the decision of the House. But when the hon. Gentlemen on the other side of the table took up the debate we found it assume the shape of the most animated and acrimonious party question. The other evening we had the speech of the hon. and learned Member for Enniskillen (Mr. Whiteside). We have "seen" the speech to-night of the hon. Baronet the Member for Hertfordshire (Sir Bulwer Lytton), of which I will only say, whether it excited conviction in the minds of those who heard it I know not, but I am sure it excited deep envy in the mind of the hon. and learned Member for Enniskillen. No doubt the hon. and learned Member for Enniskillen, when next he rises to address the House, will feel that he will have to put forth, not his mental, but his physical exertions, for the purpose of equalling, for he cannot surpass, the exhibition we have seen to-night. But the right hon. Gentleman who has just sat down has come to the real point of the case. He, throwing aside everything connected with the mere abstract question, has stated the question, in his opinion, as this—that we who sit on this side of the House are not worthy of the confidence which the Crown and the country have reposed in us, and that we are unworthy to continue to exercise that power, which he says will be augmented by the Bill under consideration. Sir, if that be the opinion of hon. Gentlemen opposite, why do they shrink from putting that question to the House? Then, forsooth, the right hon. Gentleman taxes us with our policy in regard to China, which he knows received the full and entire approbation of the country. He has also endeavoured to frighten the Members of this House with a financial bugbear. He says, if you pass this Bill you will have a complete identity between the finances of this country and the finances of India. Nothing can be more contrary to the real fact than that statement. This Bill will make no change in the distinct division that now exists between the finances of England and those of India. On the contrary, it will render that division more clear and more precise, and will put it more in the power of Parliament to prevent any amalgamation, should it ever be attempted. Most curious, indeed, has been the way in which those who have supported the Motion of the hon. Member for Huntingdon have endeavoured to make that Motion square with the opposite opinion on which that Motion is founded. The greater part of those who have spoken on the other side have admitted, and none more strongly than the right hon. Gentleman the Member for

Buckinghamshire (Mr. Disraeli), that it is highly expedient that the Government of India should be administered in the name of the Queen. But, says the right hon. Gentleman, you should continue the present system, and yet you should have the administration of India carried on in the name of the Queen. How are the East India Company to carry on the administration of India in the name of the Queen? Are they to be converted into officers holding office under the Crown? Unless that be so, how is it possible you could have the administration by the present machinery in the name of the Queen? What we propose amounts to the very slightest change which is compatible with carrying out those moderate measures which all who have spoken think desirable. What we propose is this—there is at present an Indian Council, of which a certain number of members are nominees of the Crown, but which has no direct communication with the responsible advisers of the Crown. We propose to abolish that Council and transfer the five members to another Council, with the addition of other nominees of the Crown, and to place that Council in direct personal communication with the responsible advisers of the Crown. The right hon. Gentleman who, in 1853, said he did not know who was the Indian Government, or who was responsible for it, appears to-night at last to have found that out. He says it is the Governor General. He says you may do what you like at home—you may either continue the Company or transfer the Executive to the advisers of the Crown—but it is the Governor General of India who has the ruling authority; it is he whom you ought to control, and it is in India, therefore, that you ought to make your alterations. Sir, that opinion is diametrically opposed to the opinion on which the hon. Member for Huntingdon has founded his Amendment. He says it is inexpedient to disturb anything relating to Indian affairs until the mutiny is over and tranquillity restored. But for a moment imagine the proposal of the right hon. Gentleman to be carried—suppose you were really to send out a Royal Commission to India, what would that be but to supersede the Governor General? And I would ask, then, is it an opportune moment, when you require all his energy and experience, to send a roving Commission to inquire into all the proceedings of the Governor General and the officers under him? I say that no course could be better calculated than that to defeat your purpose, and to prevent the tranquillization of India. If it be true, as I think is admitted by almost all those who have spoken upon this subject with any weight or authority—barring those who, belonging to the Court of Directors, must naturally have great difficulty in arriving at the conclusion that a change ought to be effected, —that great advantage at home and great benefit in India would arise from governing that country by the direct authority of the Queen, then I say you ought to begin at home, and not commence by any local change in India; and the measure which we propose is well calculated to produce the desired result with as little derangement and alteration of the existing machinery as is consistent with the accomplishment of the object in view. But it is said that the members of the Council will not be independent. I am at a loss to understand what hon. Gentlemen mean when they use that argument. If they mean that you are to have associated with the President, who is charged with the administration of India, a Council who are to thwart him, who are to be antagonistic, who are to overrule his decisions, and who are not to be responsible either to Parliament or the country, then I say that is a sort of Council not likely to conduce to harmonious action or beneficial results. What would hon. Gentlemen have said if we had proposed, as they have suggested, to appoint a Council the members of which should be for life? Would any one of them have acquiesced in a proposal by which the Government of the day was to appoint perpetual Councillors, who were to control and overrule those who might hereafter, by a change of political parties, become responsible for the administration of India? Responsibility in this country can rest only in one quarter, that quarter being those persons who, by the confidence of the Crown and the choice of Parliament, are for the time being answerable for the conduct of public affairs. Moreover, the proposed Council must be a council of advice, not a council of control. It is said that the persons who may be charged with the management of affairs, will choose those who are most obsequious, and most disposed to yield to the passions and prejudices of the Government of the day. That is not the principle upon which any sensible man would select his advisers. We must suppose that the Government would wish

to be advised by those most competent to give advice, and so far from choosing as Councillors those most likely to be subservient and flexible, they would no doubt deem it their duty as well as their interest to select those who, by their knowledge, experience, talent, and capacity were most certain to prove useful assistants in the management of Indian affairs. I apprehend, then, that the more the House considers the question, the more it will find that the arrangement which we propose is that which is most conducive to the end which we have in view. Some of the arguments used during this debate are, as I have already stated, of a singular character. I can quite understand those who say that they are opposed to any change. I may hold a different opinion; but I can see a logical process by which hon. Gentlemen might arrive at the conclusion that the present system is best, and ought to be continued. But that which I cannot understand is that Gentlemen who think the present system is not the best, and ought not to be continued—who think, on the contrary, that it is defective in principle, and that great advantage must arise from transferring the Government of India to the Crown — should pronounce that opinion in Parliament, dooming the Company by their condemnation, and yet should wish to continue the Government so doomed for an indefinite period, and under circumstances in which the administration of India requires unity of action, vigour of execution, and singleness of purpose. I trust, then, that the House will not be led away by any of the sophistries we have heard. I trust it will not be daunted by the phantom which the right hon. Gentleman the Member for Buckinghamshire has endeavoured to raise of some imaginary call upon the public revenue of this country for the purposes of Indian service. If it be true that the local Government has it in its power to increase unnecessarily the expenditure of India—if you have reason to distrust the Governor General for the time being—why then strengthen your home Government, give it greater powers of control, and place it in direct contact with Parliament, so as to enable the House of Commons to interfere whenever necessary. What conflicting opinions we have heard! Some hon. Gentlemen say there is not sufficient control over the local Government of India. Well, that control would be furnished by bringing the responsible advisers of the Crown in regard to Indian affairs in direct contact with Parliament. But then those whom I should have expected to be imbued with constitutional principles say, "Oh! for Heaven's sake let not the House of Commons meddle with Indian affairs; there is no telling to what degree faction may pervert these questions to the public injury." I bow with deference to opinions from the other side of the House as to the extent to which faction may be carried. I do not presume to question the assertions made upon that head; but, in spite of the fears entertained by hon. Gentlemen that an Opposition may, from factious motives, injure their country for the purpose of weakening their opponents; and notwithstanding, also, what I know to be the general play of Parliamentary tactics, I feel assured that the good sense of the House of Commons would prevent any attempts of that kind, and that great benefit would arise to the interests of our Indian empire from the vigilant supervision of Parliament. I trust, therefore, that the House will not be led away by either the eloquence which we have heard to-night, or the more sober argument of the hon. Member for Huntingdon. Believing, as I do, that the great bulk of the people of this country have settled the question in their own minds, and have come to the deliberate conviction that the present complicated system of Indian Government ought not to continue, believing, as I do, that now is the time for making the change—that no delay ought to take place—that you ought not to continue in action a Government at home which is doomed by public opinion and by Parliamentary discussion—I trust that this House will give us leave to bring in a Bill, the general outline of which I have explained, and will bestow their most serious attention upon its provisions, not criticising it for the purpose of defeating a measure which is calculated, as we think, to promote the public good, but for the purpose of passing it in an effective shape. Let that course be adopted, and I venture to say that the change which we propose, should Parliament in its wisdom think fit to accomplish it, will do more for the interests of our great empire in the East than any other that could be suggested.

MR. NEWDEGATE was understood to ask the noble Lord who introduced the Bill whether he had obtained the consent of the hon. Members who were now the representatives of the East India Company

in that House? That was where the House and country would feel the loss of East Indian representation in this country. By the proposed Bill the Council to be constituted by it would have the control of revenues larger than those of Austria, Prussia, or Russia. He should like an answer from the noble Lord to these questions.

Question put: The House *divided*:—Ayes 318; Noes 173: Majority 145.

List of the AYES.

Adderley, C. B.
Adeane, H. J.
Akroyd, E.
Alcock, T.
Annesley, hon. H.
Antrobus, E.
Ashley, Lord
Atherton, W.
Ayrton, A. S.
Bagshaw, J.
Bagwell, J.
Bailey, Sir J.
Baines, rt. hon. M. T.
Baring, H. B.
Baring, T. G.
Barnard, T.
Baxter, W. E.
Beach, W. W. B.
Beale, S.
Beecroft, G. S.
Bentinck, G. W. P.
Berkeley, hon. H. F.
Berkeley, F. W. F.
Bethell, Sir R.
Biddulph, R. M.
Biggs, J.
Black, A.
Blake, J.
Bland, L. H.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Bowyer, G.
Boyd, John,
Brocklehurst, J.
Browne, Lord J. T.
Bruce, Lord E.
Bruce, H. A.
Buchanan, W.
Buckley, Gen.
Buller, J. W.
Burke, Sir T. J.
Bury, Visct.
Butler, C. S.
Butt, I.
Buxton, C.
Buxton, Sir E. N.
Byng, hon. G.
Caird, J.
Calcraft, J. H.
Calcutt, F. M.
Campbell, R. J. R.
Cardwell, rt. hon. E.
Castleross, Visct.
Cavendish, hon. W.
Cavendish, hon. G.
Cayley, E. S.
Charlesworth, J. C. D.
Cheetham, J.
Child, S.
Churchill, Lord A. S.
Clark, J. J.
Clay, J.
Clifford C. C.
Cobbett, J. M.
Codrington, Gen.
Cogan, W. H. F.
Collier, R. P.
Colvile, C. R.
Coningham, W.
Conyngham, Lord F.
Conolly, T.
Cowper, rt. hon. W. F.
Coote, Sir C. H.
Cotterell, Sir H. G.
Cowan, C.
Craufurd, E. H. J.
Crossley, F.
Dalglish, R.
Dashwood, Sir G. H.
Davey, R.
Davie, Sir H. R. F.
Deasy, R.
Deedes, W.
Dent, J. D.
De Vere, S. E.
Devereux, J. T.
Dillwyn, L. E.
Dodson, J. G.
Duff, M. E. G.
Dunbar, Sir W.
Duncan, Visct.
Dundas, F.
Dunlop, A. M.
Dutton, hon. R. H.
Ebrington, Visct.
Edwards, H.
Egerton, W. T.
Egerton, E. C.
Elcho, Lord
Elton, Sir A. H.
Emlyn, Visct.
Ennis, John
Esmonde, J.
Evans, T. W.
Ewart, W.
Ewart, J. C.
Ewing, H. E. C.
Fagan, W.
Fenwick, H.
Ferguson, Col.
Ferguson, Sir R.
Finlay, A. S.
FitzRoy, rt. hon. H.
Fitzwilliam, hn. C. W. W.
Fitzwilliam, hn. G. W.
Foley, J. H.
Foley, H. J. W.
Forster, C.
Foster, W. O.
Fortescue, hon. F. D.
Fortescue, C. S.
Freestun, Col.
Gallwey, Sir W. P.
Garnett, W. J.
Gavin, Major
Gibson, rt. hon. T. M.
Gilpin, C.
Goddard, A. L.
Goderich, Visct.
Greenall, G.
Greene, J.
Greenwood, J.
Green, S. M'C.
Gregory, W. H.
Gregson, S.
Gray, Capt.
Grey, rt. hon. Sir G.
Grey, R. W.
Griffith, C. D.
Grosvenor, Earl
Gurdon, B.
Gurney, J. H.
Hadfield, G.
Hall, rt. hon. Sir B.
Hamilton, Capt.
Hanbury, R.
Hankey, T.
Hanmer, Sir J.
Harcourt, G. G.
Hardcastle, J. A.
Harris, J. D.
Hartington, Marquess of
Hatchell, J.
Headlam, T. E.
Heathcote, hon. G. H.
Henchy, D. O'C.
Heneage, G. F.
Henniker, Lord
Herbert, rt. hon. H. A.
Holland, E.
Hopwood, J. T.
Howard, hon. C. W. G.
Hughes, W. B.
Hutt, W.
Ingram, H.
Jermyn, Earl
Jervoise, Sir J. C.
Johnstone, J. J. H.
Johnstone, Sir J.
Keating, Sir H. S.
Kendall, N.
Ker, R.
Kershaw, J.
King, hon. P. J. L.
King, E. B.
Kinglake, J. A.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Knatchbull-Hugessen, E
Labouchere, rt. hon. H.
Langton, H. G.
Laslett, W.
Legh, G. C.
Levinge, Sir R.
Lewis, rt. hon. Sir G. C.
Lincoln, Earl of
Lindsay, W. S.
Locke, Joseph
Locke, John
Lockhart, A. E.
Lowe, rt. hon. R.
Luce, T.
Macarthy, A.
M'Cann, J.
Mackie, J.
Mackinnon, W. A.
Maguire, J. F.
Mangles, C. E.
Marsh, M. H.
Marshall, W.
Martin, C. W.
Martin, P. W.
Massey, W. N.
Matheson, A.
Matheson, Sir J.
Mellor, J.
Mills, A.
Mills, T.
Moffatt, G.
Moncreiff, rt. hon. J.
Montgomery, Sir G.
Moody, C. A.
Morris, D.
Napier, Sir C.
Newark, Visct.
Nicoll, D.
Noel, hon. G. J.
Norris, J. T.
North, F.
O'Brien, P.
Ogilvy, Sir J.
Osborne, R.
Owen, Sir J.
Paget, C.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Patten, Col. W.
Pease, H.
Pechell, Sir G. B.
Perry, Sir T. E.
Philips, R. N.
Philipps, J. H.
Pigott, F.
Pilkington, J.
Pinney, Col.
Portman, hon. W. H. B.
Powell, F. S.
Price, W. P.
Pryse, E. L.
Pritchard, J.
Pugh, D.
Puller, C. W.
Ramsden, Sir J. W.
Ramsay, Sir A.
Rawlinson, Sir H. C.
Raynham, Visct.
Rebow, J. G.
Repton, G. W. J.
Ricardo, J. L.
Ricardo, O.
Rich, H.
Richardson, J.
Ridley, G.
Robartes, T. J. A.
Roebuck, J. A.
Roupell, W.
Russell, Lord J.
Russell, H.
Russell, A.

Russell, F. W.
Schneider, H. W.
Scholefield, W.
Scrope, G. P.
Seymour, H. D.
Shafto, R. D.
Shelley, Sir J. V.
Sheridan, H. B.
Sibthorp, Major
Slaney, R. A.
Smith, J. B.
Smith, rt. hon. R. V.
Smollett, A.
Somerville, rt. hn. Sir W.
Stafford, Marquess of
Stanley, Lord
Stapleton, J.
Steel, J.
Stuart, Lord J.
Stuart, Col.
Sturt, H. G.
Sturt, N.
Sullivan, M.
Taylor, S. W.
Thornely, T.
Thornhill, W. P.
Tite, W.
Tollemache, hon. F. J.
Townsend, J.
Traill, G.
Trelawny, Sir J. S.
Turner, J. A.
Vane, Lord H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Vivian, hon. J. C. W.
Waldron, L.
Walter, J.
Weguelin, T. M.
Western, S.
Westhead, J. P. B.
Whatman, J.
Whitbread, S.
Wickham, H. W.
Williams, M.
Williams, W.
Williams, Sir W. F.
Willyams, E. W. B.
Wilson, J.
Wise, J. A.
Wood, W.
Woods, H.
Worsley, Lord
Wrightson, W. B.
Wyld, J.
Wyvill, M.
Young, A. W.

TELLERS.
Hayter, W. G.
Brand, hon. B. W.

List of the NOES.

Adams, W. H.
Archdall, Capt. M.
Bagshaw, R. J.
Baillie, H. J.
Baring, A. H.
Baring, rt. hon. Sir F. T.
Bernard, T. T.
Bass, M. T.
Bathurst, A. A.
Bective, Earl of
Bennet, P.
Blackburn, P.
Boldero, Col.
Bovill, W.
Bramley-Moore, J.
Bramston, T. W.
Bridges, Sir B. W.
Bruce, Major C.
Buller, Sir J. Y.
Bunbury, W. B. M'C.
Cairns, H. M'C.
Carden, Sir R. W.
Carnac, Sir J. R.
Cecil, Lord R.
Christy, S.
Clinton, Lord R.
Clive, hon. R. W.
Close, M. C.
Cobbold, J. C.
Cole, hon. H. A.
Colebrooke, Sir T. E.
Corry, rt. hon. H. L.
Crook, J.
Curzon, Visct.
Dalkeith, Earl of
Damer, L. D.
Davison, R.
Disraeli, rt. hon. B.
Dobbs, W. C.
Du Cane, C.
Duke, Sir J.
Du Pre, C. G.
East, Sir J. B.
Elliot, hon. J. E.
Elmley, Visct.
Elphinstone, Sir J.
Estcourt, T. H. S.
Farnham, E. B.
Farquhar, Sir M.
Fellowes, E.
Fitzgerald, W. R. S.
Forester, rt. hon. Col.
Forster, Sir G.
Fox, W. J.
Fraser, Sir W. A.
Gard, R. S.
Gaskell, J. M.
Gifford, Earl of
Gilpin, Col.
Gladstone, rt. hon. W.
Glyn, G. G.
Graham, rt. hon. Sir J.
Greaves, E.
Grenfell, C. P.
Grenfell, C. W.
Grogan, E.
Hall, Gen.
Hamilton, G. A.
Hamilton, J. H.
Hardy, G.
Hassard, M.
Heathcote, Sir W.
Hodgson, K. D.
Hodgson, W. N.
Holford, R. S.
Hope, A. J. B. B.
Hume, W. W. F.
Hunt, G. W.
Ingestre, Visct.
Ingham, R.
Johnstone, hon. H. B.
Joliffe, Sir W. G. H.
Joliffe, H. H.
Kelly, Sir F.
Kerrison, Sir E. C.
King, J. K.
Kinglake, A. W.
Knatchbull, W. F.
Knight, F. W.
Knox, Col.
Langton, W. G.
Laurie, J.
Lennox, Lord A. F.
Lennox, Lord H. G.
Leslie, C. P.
Liddell, hon. H. G.
Lisburne, Earl of
Lovaine, Lord
Lowther, hon. Col.
Lyall, G.
Lygon, hon. F.
Lytton, Sir G. E. L. B.
Macartney, G.
Macaulay, K.
Mangles, R. D.
Manners, Lord J.
March, Earl of
Marjoribanks, D. C.
Maxwell, hon. Col.
Melgund, Visct.
Miller, T. J.
Miller, S. B.
Milnes, R. M.
Mitchell, T. A.
Morgan, O.
Mowbray, J. R.
Naas, Lord
Napier, rt. hon. J.
Newdegate, C. N.
Newport, Visct.
Nisbet, R. P.
North, Col.
Ossulston, Lord
Packe, C. W.
Palk, L.
Palmer, R.
Paull, H.
Peel, Sir R.
Pennant, hon. Col.
Pevensey, Visct.
Robertson, P. F.
Rushout, G.
Rust, J.
Sclater-Booth, G.
Scott, hon. F.
Scott, Major
Seymer, H. K.
Smith, M. T.
Spooner, R.
Stanhope, J. B.
Stephenson, R.
Stewart, Sir M. R. S.
Sykes, Col. W. H.
Taylor, Col.
Tempest, Lord A. V.
Thompson, Gen.
Trefusis, hon. C. H. R.
Trollope, rt. hon. Sir J.
Vance, J.
Vansittart, G. H.
Vansittart, W.
Verner, Sir W.
Verney, Sir H.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Walsh, Sir J.
Warren, S.
White, J.
Whiteside, J.
Whitmore, H.
Wigram, L. T.
Williams, Col.
Willoughby, Sir H.
Willoughby, J. P.
Willson, A.
Woodd, B. T.
Wortley, Major
Wyndham, Gen.
Wyndham, H.
Wynn, Col.
Wynne, rt. hon. J. A.
Yorke, hon. E. T.

TELLERS.
Baring, T.
Crawford, R. W.

Main Question put, and *agreed to*. Bill *ordered* to be brought in by Viscount PALMERSTON, Mr. VERNON SMITH, and the CHANCELLOR of the EXCHEQUER.

Bill read 1°.

House adjourned at a Quarter after One o'clock.

HOUSE OF LORDS,

Friday, February 19, 1858.

MINUTES.] *Took the Oaths*—The Earl of Waldegrave.

PUBLIC BILLS—2ª Lady Havelock and Sir H. M. Havelock's Annuities.

DISTRICT COURTS OF BANKRUPTCY ABOLITION BILL.

LORD BROUGHAM, while asking his noble and learned Friend on the woolsack

when the Government measure would be introduced, would take the opportunity of stating that he had omitted last night to add that his Bill, which was then read a first time, contained a specific provision to prevent the scandal happening again, which was at present a disgrace to the law. He alluded to English debtors going from England to Scotland to avail themselves of the proceedings of the Scotch bankrupt law, and to avoid the operation of the English bankrupt law, as had recently occurred in the case of Mr. Stevens, the manager of the Eastern Banking Corporation. He had also introduced into the Bill what were called the "dead-men's clauses," applicable both to bankrupts and insolvents, which he had introduced into the measure of 1849, and had only withdrawn at the request of the late Lord Cottenham.

THE LORD CHANCELLOR said, the Government Bill was actually prepared. Whether it would be introduced in this or the other House he could not say, but he had no doubt it would be introduced in a very few days.

CONVEYANCE OF TROOPS BY OVERLAND ROUTE.

OBSERVATIONS.

VISCOUNT DUNGANNON said, that pursuant to notice he wished to call the attention of Her Majesty's Government to the unsound and unsafe condition of vessels selected to convey those troops who had proceeded to India by the overland route from Suez and Aden, and more especially to the condition of the *Alma* and the *Ajdaha*, sent to convey detachments of the 69th regiment. The 69th regiment having been sent by overland route to India, the *Alma* was expected to be in readiness at Suez to convey them to Aden and Point de Galle. He was informed, however, that this vessel, when off Aden, broke the shaft of her paddlewheels, and was rendered incapable of proceeding any further. That might be a casualty, which could be neither foreseen nor prevented. Be that as it might, the consequence was that the detachment of the regiment was detained eight days at Suez. They arrived on the 19th, and did not leave until the 27th of December, when the *Ajdaha* was sent to convey them, and in this vessel they proceeded to Aden, where they arrived on the 4th of January. On the 6th they left Aden, and on the 7th, when the vessel was about 700 miles out at sea, the *Ajdaha* sprang a leak, and put back to Aden. No less than 280 officers and men had been put on board this vessel, which he was told had been condemned as unseaworthy eighteen months before. He might be told that neither of these vessels belonged to the Government. He was aware that they did not; the *Alma* belonging to the Peninsular and Oriental Company, and the *Ajdaha* to the East India Company. He thought that the Government were highly blameable if they had handed over Her Majesty's troops to the ships of any Company without having them examined by some accredited parties at Suez or Aden. If they had not done so, it could not but appear that they had incurred the wanton and reckless risk of a great number of lives. It was surely sufficient for those who had relatives engaged in India to be aware that they were exposed to all the necessary chances of the field and climate, without the reflection being superadded that they were exposed to the additional risk of losing their lives unprofitably and ingloriously by accidents which might be avoided by ordinary care. This was not the first time in which great carelessness had taken place in this matter of the conveyance of troops. The same regiment, the 69th, came over from Barbadoes last year in the *Urgent*, a vessel which was known not to be seaworthy, and which occupied thirty-three days in performing, at considerable risk, a passage which ought not to have taken more than nineteen days, and it was quite providential, he was informed, that she had arrived at all. He trusted the noble Lord would be able to afford some satisfactory explanation of these matters, or at all events assure the House and the country that a full inquiry should be made, and measures adopted to prevent their recurrence.

LORD PANMURE: In reply to the observations of the noble Viscount, I can only state that he has made a great complaint of a matter that can be most easily explained. The 69th regiment was sent overland to India, the *Alma* being destined to meet them at Suez and carry them on. In her passage to Suez, and before the troops were embarked, the *Alma* broke a very important part of her machinery, which rendered her totally unfit to convey the detachment. In the meantime the 69th regiment arrived at Suez, and found waiting there the *Ajdaha*—not a vessel that had been condemned, as the

noble Viscount says, but a frigate belonging to the Honourable East India Company's Navy—which undertook the duty that was to have been performed by the *Alma*. The *Ajdaha* is a steamer of between 1,400 and 1,500 tons and 500-horse power, and was therefore amply sufficient for the conveyance of the troops. This vessel, however, unfortunately sprang a leak when she had been two days on her voyage beyond Aden. She put back into Aden in consequence, and delivered the men safely without the loss of a single man. Another vessel, the *Candia*, carried them on, and no doubt they have by this time arrived at their place of destination. It is obvious that in both cases the accidents were such as no human foresight could have guarded against, and I beg your Lordships' attention to the fact, that in all the embarkations of troops to India there has not been a single casualty whereby the loss of any soldier's life has occurred. The misfortune which happened on board the *Sarah Sands* transport only served to exhibit a most remarkable instance of discipline, coolness, and presence of mind, under circumstances of the most extreme peril, and reflected credit, not only on the gallant officers and men of the regiment, but also upon the officers and men of the ship. It is with great satisfaction that I am able to make this statement in answer to the noble Viscount, because an idea has gone about that some ships have been taken up that were unworthy of being sent to sea, and that some accidents have occurred from this circumstance. But no such accident has occurred. It has been the most anxious desire of the Company that no troops should be embarked on board ships that were unseaworthy, and the result has been what I have stated. The difficulties attending the overland route to India are very great, and at this moment, I am sorry to say, in consequence of the non-arrival of a vessel, the 92nd have been detained a considerable time on their voyage to India, but they have since been enabled to proceed on their way to India.

THE EARL OF HARDWICKE thought the difficulties to which the noble Lord alluded might be met if Government would address themselves to the establishment of a system of transport in connection with the Royal Navy, instead of depending upon hired transports. Under this latter system they did not know what ships they got. [Lord PANMURE: "Yes, we do."] No; they did not know what they paid, nor what they got for their money. No doubt the noble Lord was anxious to prevent accidents as far as possible; but accidents were constantly occurring notwithstanding, and to the great inconvenience of the public service. He was aware that under no system could accidents be altogether avoided, but they would be much more rare if the Government employed for this transport service their own ships, their own officers, and their own men. There was a class of vessels now in the possession of the Government—the block ships, which were scarcely suitable for war purposes, but admirably adapted for the conveyance of troops; six of these had been fitted with engines and employed during the late war. He would suggest that of these, two should be constantly employed between this country and Alexandria, and the other four sent round to the Red Sea, to carry on the troops as they arrived at Suez to the ports of debarkation in India.

THE EARL OF CARNARVON said, he would venture to bring to the attention of the noble Lord one or two details which had lately come to his knowledge. He had heard that the connecting-rod of the engine in the case of the *Ajdaha* was worn out and broke, and had she not been close to the shore there would have been danger from that source. He had also heard that this vessel was taken up to convey specie and the mails, but that, having been examined, she was not thought good enough for that service, and that after this the troops were embarked in her. There ought to be in the case of every vessel taken up for transport purposes an examination under the authority of the Admiralty as to her sea-worthiness, and by an officer of the Quartermaster-General's department as to the accommodation and provision made for the men during the voyage.

LORD PANMURE said, that the services of the *Ajdaha* were brought into requisition because she happened to be in port at the time. She was not taken up, but was a frigate belonging to the East India Company. He knew nothing about the breaking of the connecting-rod. With regard to the employment of men-of-war on transport service, the subject had been well considered by successive Governments, and it had been decided upon all grounds that it would be unadvisable to adopt that system, but to adopt the plan of taking up

merchant vessels when wanted. There was a system of examination which he believed to be sufficient: the vessels taken up were inspected by an officer appointed by the Admiralty, whose report was forwarded to the Quartermaster General's department, which in their turn reported to the Horse Guards, both as to the fitness of the vessel for transport purpose, the nature of the accommodation, and the number of troops it was proposed she should convey.

EDUCATION IN INDIA.—MOTION FOR PAPERS.

THE EARL OF ELLENBOROUGH said, their Lordships were aware that of late years considerable efforts had been made by the Government in India to extend education among the Natives. He believed there was reason to fear that these efforts had not been attended with the best results, and it was very desirable that they should know at least in what direction they went. It was manifest that they had produced a considerable impression on the minds of the Sepoys. It should be remembered that the Sepoys were not like the soldiers in this country, where they were usually unmarried men; on the contrary, it was part of their religion to marry, and their object in joining the army was to be able to send remittances to their families, and make provision for their children. Their desire also was to be able to retire and live with their families on a pension, instead of supporting them with the ordinary wages of labour. Altogether they were persons of domestic habits and feelings, and had occasional furloughs granted them to enable them to renew their connections. It was very desirable, therefore, we should know what the feelings of these people were with respect to the education we were establishing in India, and accordingly he had given notice of a Motion for the production of a Report which he understood had been written by Mr. Chapman, the Director of Public Instruction at Behar, for 1855-56. Though he had not read the Report, he had seen extracts from it, which he would take the liberty to read to the House. Mr. Chapman, in his first quarterly Report, said:—

"To the spread of education there are great obstacles in Behar, arising chiefly from the bigotry of the Mussulman moulavies and a general fear of proselytism, exasperated at the moment by the attempt to deprive gaol convicts of their lotahs."

To deprive them of their lotahs would, no doubt, be felt as a great practical grievance, and he could well understand that it would give rise to a great deal of excitement among the Sepoys. In the next quarterly Report it was stated that "the religious suspicion of the people was still an impediment," and in the Report for the third quarter his words were:—

"He is able to confirm, from a strict observation, all that he has formerly asserted of the existence of a deep-rooted prejudice against the educational measures of the Government. The people are persuaded that their conversion is aimed at. They believe that the missionaries are in the pay of Government, and it is almost impossible to convince them of the contrary."

Now, he had been informed, though he could hardly give credence to the statement, that there had been regularly given by the Government grants in aid of the missionary schools. Till he heard a formal intimation of that fact he was unwilling to make it the ground of any reflection upon the Government, for he could not believe it possible that they would act in a manner so inconsistent with their obligations, and so much opposed to the traditional wisdom and policy of all the greatest men who had governed that country. He would assume, therefore, that on this point his information was not correct, and that there had been no grants given in aid of the missionaries. Further, as he understood, the Report from which he had quoted had the following passage:—

"The consequence is, that when a command to send their children to school would be obeyed, if not with intelligent assent, at any rate as a decree of fate, our advice is despised and rarely followed. I therefore find it most effectual to take for my starting point, and to allow my subordinates to do the same, that it is the order of Government that people should now educate their children, and that the people ought to be satisfied that Government would not command that which is not good for them. Having laid down this principle, we then proceed to prove, by every argument at our command, that in so doing Government has no intention whatever to interfere with the religion of its subjects."

This was the mode of proceeding which Mr. H. L. Reid had adopted in the North-west Provinces. These were some of the passages contained in this Report, and he was desirous of seeing the whole of it. The Government no doubt had information of the proceedings adopted with reference to the schools. What they did was not done in a corner. The Reports made from time to time were forwarded to the Government, and the Government was therefore perfectly cognizant of what was going on. He had been favoured with an extract

from the letter of an officer in the Bengal Army, in which there was the following passage with reference to the schools :—

"One of the chief causes of the outbreak was the system of education which had been of late introduced. Schools were raised in every village, and in every school religious books, Bibles, &c., in Hindostanee, were introduced, although it was optional with pupils to read them or not. * * The whole country became alarmed at the innovation, and soon the mysterious chupatty was passed through the land, from Peshawur to Calcutta."

He did not now press on their Lordships the importance of preventing the existence, among the Natives of India, of any apprehension that there was an intention on the part of the Government to depart from its old traditionary policy. He assumed that the Government practically intended to act on the ancient policy by which we acquired the country, and he should not, therefore, for the present question their intentions on that subject. He could only regret that over-zealous officers of the Government had brought on the Government a suspicion of having departed from the original understanding. He would move,—

That there be laid before this House, Copy of the General Reports on Public Instruction in the Lower Provinces of the Bengal Presidency for 1855-56.

EARL GRANVILLE was understood to say, that he agreed much in the opinion expressed by the noble Earl with regard to the importance of educating the Natives of India, and had felt the same interest that he had done in watching the results of the measures which had been adopted for that purpose. With reference to the effects which education in India might have had upon the Sepoys, he could not imagine that there was any connection whatever between it and the recent mutiny, inasmuch as the Sepoys, or the great mass of them, were recruited from Oude, in which province the system of education had not yet penetrated in the slightest degree. The House was aware of what educational measures had been adopted in India, and he, for one, rejoiced that a large portion of their Lordships were of opinion that it was the duty, as it was the privilege, of the British Government to improve the education of the swarming population who were subject to this country in India. As far back as 1813, on occasion of a renewal of the Company's charter, it was recognized by the charter that it was the duty of the Government of India to endeavour to encourage learned Natives to introduce Western literature, and to impart that useful knowledge which would be most likely to establish the material welfare of the country, as well as to improve the moral character of the Natives themselves. It was ten years after that, however, before any effectual steps were taken to discharge that duty. The Committee of Education for India was then established, who proceeded to appoint able men to administer that department, and a grant of £10,000 was made. Great good was done by consolidating the public schools in the various districts, and their measures were generally productive of very useful results to the cause of education in India. It was thought by the Committee that it was the duty of Government to introduce Western knowledge into India, and the best way to introduce that knowledge was first to encourage a knowledge of the English language, which would enable learned Natives readily to master the literature of Western Europe; and that then, by encouraging the study of the vernacular languages, those learned Natives would be enabled to communicate that knowledge to the great mass of the country. Measures were accordingly taken to give effect to that suggestion; a considerable improvement took place, and the number of schools increased to a great degree. The matter was brought before the Committee of their Lordships' House in 1853. Those of their Lordships who attended that Committee, and those especially who heard the admirable evidence which was given by three or four witnesses on that occasion—Dr. Duff, Sir Charles Trevelyan, Mr. Martin, and Mr. Halliday—would remember the stress that was laid upon the desirability of extending the education of the people of India upon the principles laid down by the Committee on Education to which he had adverted. A remarkable despatch, founded on the Report of that Committee, was subsequently prepared by the Board of Control, concurred in by the Court of Directors, after being examined and commented upon by some of the principal authorities on the subject in this country, and sent out to India. That despatch, too, recognised that it was a public duty and a public advantage that the people of India should receive Western education, and adopted the principle that, if education were given, the best means of doing it was to extend the English language instead of the classical languages, and encourage the study of the vernacular

tongues. For this purpose it also stated that—having due regard to the differences of religion in India—no better system could be adopted than that very system which had been found to work so well in this country amongst Christians of all denominations. That system was well known to their Lordships, and it was not necessary for him to describe it now. It chiefly consisted of giving assistance to schools of all denominations, by grants of money, by the proper training of schoolmasters, and by subjecting such schools to Government inspection, so as to take care that the public money was not thrown away. Now, in that despatch he believed there were not less than seven passages which lay down in the broadest manner possible the intention of the Government not to interfere in the slightest degree with the religious teaching in the schools in India, but to abstain entirely from interference with with that religious teaching. It recommended, in accordance with the evidence of the witnesses he had named, that an Indian University should be established, founded upon the model of the London University, as best adapted to the circumstances of that country; which University should receive scholars from all the different educational institutes of India, whether Christian, Hindoo, Mahomedan, Parsee, or Buddhist, or any other. In short, it was to be as open as possible. From the Report of the Inspectors of Instruction, dated December, 1856, it appeared that what had been done had, on the whole, turned out most satisfactory; and he had particular pleasure in observing that one of the principles laid down by the Government was, that it had been found better to rely upon the self-supporting principle as far as possible, and upon the schools already existing in a district, than to establish new schools to be wholly supported by the Government; and in many instances the founders of Native schools had come forward and placed their schools under the inspection of the Government with the greatest alacrity. Certainly, so far as the province of Behar was concerned, one circumstance is noted which is well worthy of our consideration. Mr. Chapman, the Inspector, states:—that there was a connection in the minds of the Natives between the spread of education and religious conversion. He (Earl Granville) could only say, however, that it was one of the curious problems attending the late mutiny which remained yet to be solved, how, if this feeling prevailed, the mutiny of the Sepoys was so little joined in by the Native population of the country. There was one passage in Mr. Chapman's Report to which the noble Earl had alluded, and from which it seemed as if the Inspector had not proceeded with his usual judgment. He must say that, in telling the Natives that it was the command of the Government that they should send their children to school he had acted indiscreetly, and in a manner that was entirely opposed to the letter and the spirit of his instructions. With regard to the effects that were likely to be produced by educating the people of India, he had heard it as an undoubted fact, from Calcutta, and equally from Bombay—from Calcutta, upon the authority of Mr. Halliday; from Bombay, upon the authority of a gentleman who had held one of the highest judicial positions there, and was constantly in correspondence with some of the most trustworthy persons at that Presidency—that, almost without an exception, those Natives who were connected with our places of education had remained faithful and loyal to the British Government; their superior intelligence and information giving them the belief that it was for their own interests, as well as for the interests of the country, that the British Government should for the future be the supreme Government of India. This was shown in a remarkable degree at Bombay, where he understood some of our troops had met with a most cordial reception, and been entertained at a public dinner by some of those very Natives. There was, however, one part of the education given to the Natives which our experience of the last year had unanimously condemned. He believed that it was not the time to give instruction in the scientific departments of war to those whom we found we could not always trust or depend upon. Up to the present time, this teaching had been carried to the highest degree, and he had been told by a gentleman of great professional reputation, who was at the siege of Delhi, that as regarded science and tactics, both in artillery and engineering, the Natives proved themselves equal, if not superior, to ourselves. He had also been informed that, with some remarkable exceptions, where the talent of the General had shone forth with conspicuous lustre, our successes were in general not so much owing to our superior science as to those moral qualities which

no mere teaching could impart, and which were inherited by Englishmen through the blood they had derived from their ancestors, and their being brought up under Western civilization and free institutions; thus constituting them a race superior to the Natives with whom they had to deal. He did not believe that we could ever hope to raise the 180 millions of India to the exact point of civilization to which we ourselves had attained. All he could say was, that if ever such a result should be attained, it was clear that they must either have a large share in their own government or they would expel us from India altogether. At the same time he could not, for a reason of that sort, or from a mistaken notion that we could more easily govern them, admit that it was our duty studiously to keep them in ignorance. Every thinking man in the present day was of opinion, that our real object in our government of India must be to benefit the people governed, and that therefore we must do our best to elevate them in the scale of social and moral being. For those reasons he trusted that the existing system of education would be persevered in; although he entirely agreed with the noble Earl, that it must be carefully watched both in India and from home, so that the officers who were entrusted with the charge should in no respect go beyond the exact limits laid down for their guidance.

Motion *agreed* to.

LADY HAVELOCK'S AND SIR H. M. HAVELOCK'S ANNUITIES BILL.

SECOND READING.

LORD PANMURE rose to move the second reading of this Bill, which he was sure would receive the cordial assent of every Peer in the House. The object of the Bill was to confer annuities of £1,000 per annum respectively for life, upon Lady Havelock and the present Sir H. M. Havelock. Having recently stated in some detail the valuable services which the late gallant General Havelock had rendered to his country, it was unnecessary now to do more than briefly allude to them. The late General Havelock entered the army in 1815, and served in the whole of the Burmese war. From 1824 to 1826 he acted as Assistant Adjutant General in Sir Archibald Campbell's army; he afterwards served in Affghanistan, and distinguished himself upon every occasion as an officer of his reputation might be expected to do. Upon the breaking out of the late Persian war General Havelock gave up a valuable staff appointment and took the command of a brigade under General Outram. When the mutiny in India occurred General Havelock returned in time to march to the relief of Lucknow, and performed those glorious deeds which had rendered his fame immortal. Having achieved the object he had so ardently struggled for, he was, however, soon stricken down by the hand of death, his constitution having been worn out by his arduous services in his country's cause. The House of Commons had unanimously agreed to this Bill, and he had no doubt that their Lordships would be delighted to concur in bestowing upon the widow and son of so illustrious an officer a reward which, although it might not be equal to his merits, yet was an expression of the national gratitude, worthy alike of the country and of the gallant warrior whom we had lost.

Bill read 2ª and *committed* to a Committee of the whole House on *Monday* next.

House adjourned at a quarter-past Six o'clock, to Monday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Friday, February 19, 1858.

BREACH OF PRIVILEGE.—MR. BUTT.

NOTICE.

MR. ROEBUCK: Sir, I am about to give a notice of an extraordinary nature, and I wish to solicit the attention of the House to it. On Monday I shall present a petition to the House from an individual charging a Member of this House with a Breach of the Privileges thereof. I think I may as well state that the Member in question is Mr. Isaac Butt. He is charged with a Breach of the Privileges of this House, and I intend to present a Petition charging him with such Breach of Privilege, and to move, as it is a matter relating to the Privileges of the House, to appoint a Committee to inquire into the allegations of the Petition. If nothing is stated now to induce me to alter the day, I beg to give notice that I shall on Monday present a Petition charging a Member of this House with having been guilty of a Breach of the Privileges thereof, and to move for

the appointment of a Committee to inquire into the allegations of that Petition.

SIR GEORGE GREY : Perhaps, Sir, it would be better if the Petition was printed and placed in the hands of Members before the House is called upon to give an opinion with regard to the appointment of a Committee of Inquiry.

MR. ROEBUCK: I should be ready, Sir, to do that, but I believe it would be contrary to the Rules of the House to do so. The Petition merely states that a Breach of the Privileges of this House has been committed by a Member of this House, which statement I may say that I believe to be true, and in such cases it is usual, I apprehend, to grant a Committee of investigation. If the House thinks differently, although I have not the Petition with me, I will see that it is sent to the printer immediately, and have it circulated with the Votes. But I still think I am right, and that as the Petition merely contains an allegation that a Breach of the Privileges of this House has been committed by one of its Members, a Committee of Inquiry should be granted.

MR. WALPOLE : I will appeal to you, Sir, in reference to this question. No doubt the hon. and learned Gentleman (Mr. Roebuck) is right in saying that on the presentation of a Petition affecting the conduct of a Member of this House and the Privileges of the House, he is entitled in strict right to go into statements of the facts of the case. But I believe that, as a matter of practice, and as a matter of justice to the person charged with committing the offence, and in justice to the House, it has been usual—and if it has not been usual, it would be desirable that it should be the practice—that notice should be given, in order that an opportunity may be given to the Member charged with committing the Breach of Privilege to prepare for his defence, and to enable the House to give a fair and dispassionate consideration to the question. What I would suggest is, that the Petition be presented either now or on Monday; that if it is presented now, notice should be given for Monday of a Motion for a Committee of Inquiry; and if it is presented on Monday, that notice should be then given for a future day, when it would be taken into consideration.

MR. ROEBUCK : I have sent a copy of the Petition to the hon. Member concerned. I have not got it with me, but I will send it to the printer immediately, so that before the night is over it will be in the hands of Members; and I now give notice that on Monday I will present it, and move for a Select Committee to inquire into the allegations contained in it.

MR. MILES : I would suggest, Sir, to the hon. and learned Gentleman whether Monday would not be too early a day, this being Friday, for the Petition to be presented and to be in the hands of Members before the discussion comes on.

MR. SPEAKER : I would suggest to the hon. and learned Member that the course he originally proposed would be the most convenient, with one slight alteration. Having given notice that he will present the Petition on Monday, let him then move that it be printed, and give notice of a day on which he will move for a Select Committee.

MR. ROEBUCK : I will do that.

PROBATES AND LETTERS OF ADMINISTRATION IN THE UNITED KINGDOM.

QUESTION.

MR. COWAN said, he would beg to ask the Law Officers for England, Scotland, and Ireland respectively, that as, by an Act passed in the last Session of Parliament provision was made for giving validity to Probates and Letters of Administration taken out in England and Ireland respectively, if it be their intention now to introduce one or more Bills whereby Probates and Letters of Administration in England and Ireland, and a Confirmation of Executors in Scotland, whether of testate or intestate succession, may be rendered valid and effectual, and the benefits from the recent change of the Law be extended and enjoyed throughout all the United Kingdom.

THE LORD ADVOCATE was understood to say, that the question whether the benefits arising from the recent change of the Law with regard to Probates and Letters of Administration should be extended throughout the whole of the United Kingdom was under consideration.

IRISH NATIONAL SCHOOL BOOKS.

QUESTION.

MR. BLACK said he wished to ask the Secretary of the Treasury what proceedings have been taken in regard to the publication of the Irish School Books ; and if he has any objection to lay upon the table of the House the Correspondence between

the Government and the Commissioners of National Education in Ireland, with the Treasury Minute consequent thereupon. Also Copy of Letter from Mr. Thomas Longman to the Chancellor of the Exchequer on the same subject, dated July 14, 1857; and Sir Charles Trevelyan's Reply, dated July 28, 1857?

MR. WILSON said, he believed that the contract entered into by the Commissioners of National Education in Ireland for the production of their books would terminate at the end of the present month; and it was not intended to renew it except so far as concerned the books required in their own schools. In future, therefore, they would not supply the public with any books whatever, but the copyright of their works would be thrown open to the trade generally, so that all publishers might have the right of printing and publishing those works, and of selling them to the public on their own terms. The demand for these books had risen during the last three years from 3,000 to 12,000.

TRANSFER OF LAND (SCOTLAND).

QUESTION.

MR. DUNLOP said he wished to ask the Lord Advocate, whether it is his intention to introduce during the present Session, any measure for further simplifying and rendering less expensive the titles to land in Scotland?

THE LORD ADVOCATE was understood to say that he intended to introduce during the present Session a measure for further simplifying and rendering less expensive the titles to land in Scotland.

ABSTRACTION OF INCOME-TAX PAPERS.

QUESTION.

MR. WILSON moved that the House at its rising should adjourn until Monday.

MR. CRAWFORD: Sir, I wish to draw the attention of the House for one moment to a matter which has excited, I may say, a great deal of indignation in that part of the metropolis I have the honour to represent. I allude to the recent abstraction from their proper places of deposit of some confidential Returns of Income presented to the Commissioners of Income Tax, and their being used in shops as waste paper. I beg to ask the hon. Secretary to the Treasury whether the Government have taken any steps for inquiry into the circumstances under which this abstraction took place, and whether he has any objection to lay upon the table of the House any correspondence that may have passed upon the subject?

MR. WILSON: I am very sorry to say that some weeks ago it came to the knowledge of the Commissioners of Inland Revenue that certain Income Tax Returns under schedule D of mercantile firms in the City of London had been used as waste paper, in some shops in Thames Street, I believe. The attention of the Commissioners was immediately directed to the matter, and an inquiry was made. The custody of those papers is not under the control either of the Government or of the Commissioners of Inland Revenue. They are kept by the Commissioners of Income Tax for the City of London, and they alone are responsible for their safe custody. It appeared upon investigation that a bundle of these Returns had been abstracted from the Office of the Commissioners by a woman whose duty it was to clean it; but I am happy to add that immediate steps were taken by the Commissioners of Inland Revenue and their officers for the purpose of recovering them, and that the greatest bulk of them, with a very small exception indeed, were recovered, and are now in the possession of the Commissioners of Inland Revenue. I shall not object to the production of any correspondence that has taken place upon the subject.

MINISTER OF JUSTICE.

QUESTION.

MR. W. EWART said, he would beg to put a question to the First Lord of the Treasury, for explanation on the subject of the appointment of a Department or Minister of Justice. He had put a question on this subject to the noble Lord a few evenings since, and the noble Lord replied that in this country it would not be desirable to appoint a Minister of Justice similar to that of France, and who had the appointment of the Magistrates. He (Mr. Ewart) quite agreed with the noble Lord, and, indeed, no one had ever raised such a question in reference to such a Department. The noble Lord, however, said that perhaps there ought to be a Board for the revision of Acts of Parliament. This latter suggestion was as far below the recommendation of the Common Law Commissioners as the former one was above it. On the 12th of February last year, the right hon. and learned Member for the University of Dublin (Mr. Napier) moved a Resolution by which the House assented

to the formation of a separate Department of a Ministry of Justice. The Solicitor General and the Attorney General agreed in the necessity of such a measure, and the noble Lord at the head of the Government agreed to the Resolution, and said he would endeavour to have it carried into effect. He wished, therefore, to ask the noble Lord whether he was about to appoint any Department to superintend measures for altering and improving the law of this country?

THE TREATY OF PARIS.—CIRCASSIA. QUESTION.

LORD JOHN MANNERS said, as the noble Lord could only speak once on the Motion before the House, he would now put a question to him, of which he had given notice, relating to the execution of the 12th article of the Treaty of Paris. The only practical effect of the Treaty of Paris on the Asiatic provinces of the Black Sea was that a terrible war had since been raging between Russia and Circassia. It had been stated that in the course of last autumn a document had been sent to the Representatives of England and France at Paris asking assistance for the Circassians in this war. He wished to ask the noble Lord whether any such document had been received in Paris, and if so, if there was any objection to lay it on the table; and also whether anything had been done in pursuance of the 12th article of the Treaty of Paris, and if so whether there was any objection to produce any correspondence on the subject?

VISCOUNT PALMERSTON: Sir, in answer to the question of my hon. Friend behind me (Mr. Ewart), I have to state that Her Majesty's Government are quite willing to give effect, as far as they properly can, to the wishes of the House expressed by the Resolution which was adopted last year, but my hon. Friend is, I am sure, aware that the terms of that Resolution are exceedingly ambiguous and liable to misconstruction. A Department of Justice may mean either a Department for superintending the execution of the law or a Department for superintending the formation of the law. I think that my hon. Friend is of opinion that the establishment of the former would not be at all desirable in this country, or in accordance with the spirit of our institutions. The execution of the law is intrusted to the Courts of Law, which are independent, and it would be very improper in my opinion that any Department should have control over them. With regard to the latter,—namely, a Department for superintending the formation, harmonizing, and amendment of the law, we agree with the opinion of my hon. Friend; but the House, I am sure, will admit that it is extremely difficult to make an arrangement of that sort, and up to the present moment we have not been able to satisfy ourselves as to what kind of arrangement would be most expedient for accomplishing the purposes which Parliament had in view, and which when properly accomplished will, I have no doubt, be of the greatest advantage. With regard to the question of the noble Lord opposite (Lord J. Manners), I beg to submit that he should have given in his notice a more precise description of the question he intended to put. He wishes to know whether any representation was made by certain Circassian Chiefs to the Conference at Paris or to the French or English Governments, and what answer was returned to them; and also whether there would be any objection to lay before the House the reply to the application of those Chiefs. As to the latter point, I will communicate with the noble Lord, for the purpose of determining whether the documents in question are such as can properly be laid before Parliament. But, speaking from recollection, I may say that an application was made by certain Circassian Chiefs, who represented that they had been attacked by Russians, requesting aid, moral or physical, from the allied Powers who had been engaged in the late war with Russia. Now, with regard to that point, it must be borne in mind, first of all, that the Circassians did not deem it expedient to co-operate with the English and French forces in that war, and they are therefore, I apprehend, not entitled to claim any assistance from those two Powers as having been their auxiliaries. In the next place, so far as regarded our rights to have exacted from Russia any conditions respecting the inhabitants of the eastern coast of the Black Sea, it must be borne in mind that those rights arose out of the war, and depended upon its close. Our success was complete in the Crimea and on the waters of the Black Sea. We therefore were entitled to require from Russia, on the conclusion of peace, certain conditions with regard to the waters of the Black Sea and the fortified places in the territories which we occupied. The course of mili-

tary operations, however, did not extend to the Eastern shores of the Black Sea, and therefore we did not stand in the position of being entitled from our military success to demand from the Russian Government any stipulation as to their relations with the tribes and people inhabiting that region. Well, Sir, under these circumstances the answer which was given to that application, I forget, at this moment, whether verbally or in writing, was, that we did not feel ourselves to be under any obligation, peace having been concluded, to go to war again with Russia for the sake of those tribes, however much we might regret the situation in which they described themselves to be placed. Now, with regard to the other part of the question, which relates to the 12th Article of the Treaty of Paris, that article provided that the waters of the Black Sea should be thrown open to the vessels of all nations, and that its ports should be open to the commerce of all nations, subject, of course, to established regulations respecting Customs, quarantine, and police. Well, Sir, the Russian Government opened three ports, stating that those were the only three ports in which they had established a Custom House, a system of police, or a system of quarantine, and therefore that for the present those three ports were the only ports in which commercial intercourse could be carried on. Her Majesty's Government remonstrated with the Russian Government upon that restriction, and contended that that Government was bound, by a fair construction of the treaty, to open all the ports in the Black Sea. We were told in reply, that there were certain ports communicating directly with the interior of the country where hostilities were going on between the Russians and the people inhabiting that district, and that at present, therefore, it would be impossible to establish Custom Houses at those ports, and without Custom Houses foreign trade could not be carried on. Communications upon the subject are still going on between the Russian Government and ourselves, and I have been recently informed that the Russian Government intend to establish a Custom House at a fourth port in the Black Sea, where commercial intercourse will be allowed. I do not think that in the present state of the correspondence it would tend to a satisfactory settlement that the papers should be laid upon the table of the House, but I have informed the House precisely how the matter stands. We do not admit that the Russian Government have properly construed the 12th Article of the Treaty of Paris, while they state that the present arrangement is only one of temporary character, and that in the course of no distant time they will be able, after having established Custom Houses, a system of quarantine, and a system of police, to open many more ports in the Black Sea to foreign vessels. I hope that that time will arrive earlier than we may be led to expect; for although, upon the one hand, foreign commerce cannot be well carried on where there is no Custom House, or police, or quarantine, still, upon the other hand, the Russian Government, we think, is bound to establish Custom House arrangements in every port which is accessible to foreign vessels.

MR. NAPIER said, that the statement of the noble Lord with respect to the establishment of a Department of Public Justice called for a few observations on his part, to which his hon. and learned Friend the Attorney General would, perhaps, think proper to give a reply. That subject had first been brought before the House about two years ago, and the noble Lord himself had at that time assented to the Resolution which had been moved. On the 12th of February last year the House had again adopted an Address to the Crown, moved by him (Mr. Napier) for the formation of such a department; and the reply of Her Majesty to that Address was, that she "would give directions that the subject should receive the attentive consideration which its importance demanded." In bringing forward his Motion, he had stated the general scope of the scheme which he wished to see adopted, and he had afterwards communicated his views upon the matter more in detail to his hon. and learned Friend the Attorney General. But the noble Lord at the head of the Government had just informed them that different constructions had been put upon the language employed in that Resolution. Last year Her Majesty's Government had asked time to consider the subject, and that demand he had thought a perfectly reasonable one. On the 2nd of July, when a charge had been brought against the efficiency of the Statute Law Commission, they had been told not to press the matter, because a Department of Public Justice was about to be established, which would carry into effect all the proposed reforms. His hon. and learned Friend the Attorney General had stated upon that occasion that he was

preparing a scheme, which "he hoped would be sufficiently matured to be made public before the end of the Session." Parliament, however, was prorogued before any such measure was submitted to their consideration. In the course of the vacation a very important meeting had been held at Birmingham, and the noble Lord the Member for London (Lord J. Russell) who had presided over the department of law reform at that meeting, had pointed out with great clearness, in an able speech, the proper functions of an English Department of Justice. The general character of the duties which would devolve upon such a department were, in fact, known to everybody who had ever given any attention to the subject. But according to the noble Lord, the whole affair was at present at an end, and the Resolution of Parliament and the answer of the Crown were to be treated as perfectly nugatory. Now, if that were the case, he wished to give notice that he would take the earliest possible opportunity of bringing the question again under the consideration of the House.

MR. LOCKE KING said, that in 1856 the right hon. and learned Gentleman who had just sat down had moved a Resolution upon the subject, and then the excuse made for not acceding to that Resolution was to wait and see what the Statute Law Commission would do, but that Commission having done nothing, and the noble Lord at the head of the Government, perhaps, never expecting them to do anything, in the following year agreed to a similar Resolution. More than a year had since elapsed, and no step had been taken, and he hoped that the House would receive an assurance from the hon. and learned Attorney General that some measure would shortly be proposed to Parliament.

THE ATTORNEY GENERAL said, that no one was better aware than his right hon. and learned Friend (Mr. Napier) of the sincerity of his desire to make the Resolution of the House become one of a *bonâ fide* character. As long ago as the month of May last, he had prepared a plan for giving effect to that Resolution. He was afraid, however, that that plan laboured under the disadvantage of having been too general, and of having embodied too many subjects. The scheme had since been under the consideration of Her Majesty's Government, and he believed he could state that some of the Members of the Government had approved of several of its provisions, and more especially of those which provided for the establishment of a system of superintendence of public prosecutions, and for the creation of some effectual means of checking and supervising the progress of current legislation. His own conviction of the necessity of a public department of that kind was strengthened exceedingly when he looked to the state of our law, not only in the United Kingdom, but also in the Colonies. Those distant dependencies of the Crown in respect to the law of bankruptcy, the law of insolvency, and that portion of the law which was committed to constables and other officers, required the most careful consideration. In the present state of the business of the House, and with the many important questions which were then pressing for a solution, he could not state when it would be in his power to bring the subject of the establishment of a Department of Justice under their consideration; but he promised that he would use his best efforts to secure for it the earliest possible attention; and, in conclusion, he had to state that he hoped that would be the last time when he could only give an assurance that the thing would be done.

COUNTY POLICE.—QUESTION.

MR. LIDDELL said that, under the 19th and 20th *Vict.*, c. 69, the Government was authorised to pay out of the Consolidated Fund one-fourth part of the expense of the County Police, if the Government Inspector should report that it was in a state of efficiency. Upon the passing of the Act, the Magistrates for the county of Northumberland engaged themselves in rendering the Police as effective as possible; but the Inspector refused the required certificate, not upon the ground that the Police was in an inefficient state, but upon the ground that, in his opinion, it was not sufficiently numerous. He understood that in the similar cases of the West Riding of Yorkshire and of Newcastle-upon-Tyne certificates had been granted, and he wished to ask the right hon. Gentleman the Home Secretary whether there was any objection to lay the correspondence upon the subject on the table of the House?

SIR GEORGE GREY said, it was true that the authorities at the Home Office had felt it their duty to refuse to contribute to the payment of the Police Force in the county of Northumberland, in consequence of the Government Inspector having reported that, although they were in a high

state of discipline, they were not sufficiently numerous for the performance of the duties which they had to discharge. He had also to state that the payment of an allowance for the Treasury had been refused for the Police in the West Riding of Yorkshire, and the police in the borough of Newcastle-upon-Tyne; but the Magistrates having promised that the number of men would be increased in those two cases, he had given orders that the contribution should be given to them for the future if that promise were fulfilled. He would have no objection to lay before the House the correspondence bearing upon that subject.

THE WAR IN CHINA.—OBSERVATIONS.

LORD JOHN RUSSELL: I trust the Government will communicate to this House the terms that were proposed to the Chinese Commissioner before Canton was bombarded, together with the answer of the Chinese. I was told on a former occasion that they had not arrived, but, as despatches have since been received, I suppose they must at this time be in the possession of the Government. I wish only to say that I hope they will be placed on the table of this House before the Navy Estimates are considered.

Motion *agreed to*.

House at rising to adjourn till *Monday* next.

CONSPIRACY TO MURDER BILL.

SECOND READING.

Order for Second Reading read.

VISCOUNT PALMERSTON: Sir, in moving the second reading of this Bill I wish to make a very few observations to the House in addition to those which I made in asking leave to introduce it. In the first place, I would say that great pains have been taken to diffuse the notion that this is an Alien Bill. That impression is totally unfounded, and quite opposite to the nature of the measure. This is no Alien Bill. It gives to the Government no arbitrary powers whatever, and it contains no enactments applicable to aliens which are not equally applicable to all Her Majesty's subjects. Sir, we cannot deny — as I stated on a former occasion—that that which led Her Majesty's Government to look into the condition of the law relating to conspiracies was the calamitous event which recently took place in France. On examining the state of our law we found that in England the crime of conspiracy for the purpose of committing murder was, as I said in a previous debate, almost practically unknown in this country; and therefore no special law has ever been framed to meet that offence. The crime of conspiracy to commit murder is only punishable in the same manner as the offence of conspiring to do any other act which is wrong. As I formerly stated, the act of conspiring to do a comparatively innocent thing, such as hissing a bad actor, is exactly in the same category as the grave offence of conspiring to murder. And we thought, on looking into the law, that that was not a proper state of things. This crime had been committed. There can be no doubt that there was hatched in this country a conspiracy for the purpose of committing murder. We were of opinion that the English law affixes too light a punishment to so heinous a crime. When we inquired into the state of the law in another part of the United Kingdom we found that, by a law applicable to Ireland, which originated in unhappy times, when animosities ran high, when violences were committed, and when, unfortunately, this offence was one of no very unfrequent occurrence, the heaviest possible punishment—death—had been attached to that crime. We therefore thought that in the present improved state of society in Ireland it was not desirable that this law should be allowed to continue. We deemed it advisable, on the one hand, to mitigate the law in the sister country, and, on the other, to raise the penalty of the law in England. For that purpose we prepared the measure now under the consideration of this House. The Bill, then, I say is a Bill of general application. It does not contain anything pointed peculiarly against aliens. It places aliens on the ground they ought to occupy,—namely, on the same footing as all Her Majesty's subjects within the realm. If an alien comes into this country he is bound to obey its laws. He cannot expect to enjoy any privileges not accorded to the natives, and must submit to whatever restrictions the wisdom of the Legislature has imposed upon the native inhabitants of the country. There is nothing in this Bill which gives to the Executive Government any arbitrary power in regard either to Her Majesty's subjects or to any alien resident within the realm. It gives no power of expulsion. There is nothing in it which in the slightest degree interferes with that law of hospitality by which we have invariably been

guided with regard to foreigners seeking an asylum in this country. Any foreigner, whatever may be his nation, whatever his political creed, whatever his political offences against his own Government, may, under this Bill, as without it, find in these realms a safe and secure asylum as long as he obeys the law. Neither does this Bill give the Government any arbitrary power whatever. The penalty which it imposes must be awarded by a court of justice upon proof of the offence ; and neither in judging of the offence or awarding the punishment has the Executive Government anything to do with the matter. I therefore conceive that it is a gross misrepresentation to give to this measure the nick-name of an Alien Bill. It is no Alien Bill; it is an improvement of the law in regard to an offence which till lately might have been said to be unknown in England, but which has recently been committed in this country—committed, I am sorry to say, not simply by foreigners resident in this country, but in which there is too much reason to fear from investigations which have been carried on elsewhere, British subjects have not been altogether exempt from criminality.

That is one point upon which I wish to make some observations ; another matter to which I will advert, rather by way of anticipation, as I am on my legs, is the objection which has been taken to the course pursued by Her Majesty's Government on the ground that we ought to have sent some very eloquent and indignant answer to the despatch from Count Walewski to the Count de Persigny which was handed to Her Majesty's Government, and has been laid upon the table of the House. Now, Sir, what passed with regard to that despatch was this ; it was given personally by the French Ambassador to my noble Friend at the head of the Foreign Office, who then repeated to him that which I and other Members of the Government have over and over again explained to all the foreign representatives who approached the subject, — namely, that a change in our law with regard to the asylum granted to foreigners was a thing which they must not expect, because it was utterly impossible. They have often been told, and it was repeated verbally upon this occasion, that we never have had a law pointed against aliens, as directed to the protection of foreign countries ; that the Alien Acts which we have had have been intended to guard this country against evils which might arise from the misconduct of foreigners seeking refuge in it ; that, therefore, such a measure as they desired would be, not a repetition of a previously existing statute, but an enactment wholly and entirely new ; and that it would, moreover, expose this country to great embarrassment in its dealings with foreign Governments, because cases would arise in which a foreign Government might demand the expulsion of an alien from this country upon some suspicion entertained by that Government, to which the Government of the day in England would reply that, having no well-grounded reason for suspicion, they therefore could not put the law in force ; and that, naturally, would raise very disagreeable discussions between England and foreign Governments. That was explained to the French Ambassador by my noble Friend. Perhaps some Gentleman may say that we ought to have written an answer to this effect. There was no use in repeating in writing that which had over and over again been fully explained. The other course which might have been pursued would have been to announce to the French Government what we meant to do ; but I think that would not have been altogether a very proper or dignified proceeding. We told the French Government that the matter had already been under the consideration of the Government, and that we should take that course which we might think most consistent with our own interests and our own honour. I contend that if any party has ground of complaint against us, that there was no written answer, it is the French Government ; because they might say that we were wanting in ordinary courtesy in leaving unanswered a communication which had been formally made to us. But I think that upon that point we are perfectly absolved ; because, having repeatedly stated to the French Government in words what we could not do, they could not expect that we should formally communicate to them the intentions which were then in our minds as to the proceedings of the British Government and the British Parliament. Therefore, in my opinion, there is no ground for complaint that we did not address a despatch to the French Government. Had we done so it must either have been controversial, at a time when great agitation prevailed in France—would only have aggravated a feeling, which it was most desirable should be left to spend itself out—or it must have had the ap-

pearance that the British Government was submitting to a foreign Power the proposals which it intended to make to the British Parliament, — a matter which, in my opinion, ought not to be announced to a foreign Government, with the view of ascertaining whether or not they were satisfied with what we proposed to do. There are subjects of internal legislation, matters which we keep within our own discretion, and of which we are not bound to give any account to any foreign Government which may apply to us upon the subject. I trust, therefore, that the opinion which the House arrived at upon a former occasion as to the expediency of permitting the introduction of this Bill will continue; that now that hon. Members have had an opportunity of seeing its details they will perceive that it is a measure which gives no additional discretionary powers to the Executive Government, but only provides a more appropriate punishment for an offence of the gravest possible character, and by increasing the penalty in England, and diminishing it in Ireland, assimilates the punishment in both islands. I therefore hope that the House will deem it right to agree to the second reading of the Bill which I have now the honour to move.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. MILNER GIBSON: I am not one of those who have laboured under the misapprehension of the objects of this Bill to which the noble Lord has referred. If such misapprehension does exist, I concur with him that he has taken a very proper course in now endeavouring to remove it by putting the House in possession of his views upon the exact aim of the measure before us. But, Sir, with regard to certain conversations, confidential or otherwise, which are said to have passed between the noble Lord at the head of the Government and the Ambassador of France, I am of opinion that matters of grave national importance—that matters affecting, perhaps, the honour and reputation of our country—ought not to be left to mere casual conversations, but ought to be placed upon record, in order that they may stand before the world as the position which England has assumed in the question at issue. I can assure the House—I can assure the noble Lord at the head of the Government—that it is not my desire by moving the Amendment of which I have given notice to provoke any angry controversy between, as it were, the people of England and the French nation. I attach much value to the maintenance of friendly relations with that great country, and were I to utter a single word tending to produce angry or irritating discussion, I should not be acting in accordance with my own convictions. I can tell the noble Lord that, although I have been no follower of his with reference to the policy which he has pursued with regard to the foreign relations of this country—although I have generally been no admirer of what is called his "spirited foreign policy"—I have frequently consoled myself with the reflection that, whatever disputes might arise from the policy of the Government, with other parts of the world, the noble Lord, at least, would be no party to raising any dangerous controversy or dispute with France—I repeat, I have consoled myself with this reflection, being one of those who value beyond all things, as necessary to the civilization and happiness of all Europe, a permanent and friendly understanding between the nations of France and England. Before I touch upon the merits of the Resolution which I shall venture to submit to the House, I wish to meet one or two preliminary objections which have been raised to the course I am taking, and to put the House in possession of its exact Parliamentary meaning. It has been objected by the enemies of the Bill before the House that this Amendment is not sufficiently decided—that I ought to have proposed a Motion to throw out the Bill altogether—to reject it, as it were, with ignominy. Undoubtedly, my Amendment is not in that form. On the other hand, gentlemen favourable to the Bill have urged that this is an indirect mode of defeating the measure, and that it would have been the more candid course if I had invited the House to read the Bill a second time this day three months. These objections are founded upon a misapprehension of the object which I have in view. My object is to invite an expression of opinion from the House on a subject strictly relevant to the Bill before us during its progress. If the House agree to the Resolution which I now submit it would not necessarily defeat the Bill, you would simply arrest its progress for a single day, and it would afterwards be competent to the House to proceed with the measure, and pass it into a law. Opinions are undoubtedly diverse on the measure. My own opinions are opposed to the Bill, and when its merits come more distinctly before us I shall give my support to a

Motion for its rejection. But by the position I now take, I think we are enabled consistently with our opinions of the merits of this particular change of the law to say whether we should now read the Bill a second time, before having arrived at a decision upon the mode in which the Government have conducted the affairs which have led to the introduction of the measure before us. My opinion is that it is the duty of the Parliament of England to declare that some answer should have been given to the important despatch which has been laid on our table as the foundation of the Bill, and formally brought under our notice by the Executive Government. I have been told by an hon. Friend who objects to this resolution that I want to take an opportunity of passing a sort of indirect, he did not say censure, but unfriendly opinion upon the management of affairs by the Government, and for that purpose have given notice of an Amendment which is calculated to draw to my side persons who are hostile to the Bill before us, but who upon the whole do not disapprove the course which the Government have taken. In answer to that objection I can only say that I should have been very glad, if it had been in my power, to move my Amendment as a substantive Resolution; but I have not the command of the time of this House; I cannot bring on any Motion when I think fit, and I much doubt whether I should have obtained from those who have the disposal of our time an early opportunity for submitting such a Resolution. It appears to me, however, that my Amendment is strictly within the rules of Parliament; that it is relevant to the Bill before us; and, as the question which has given rise to it is intimately connected with the proposal of the Government, I hold that I am taking a Parliamentary course, and one that can be justified by precedent, in asking the House of Commons to arrest for a single day only the progress of the present measure for the purpose of expressing the opinion set forth in my Amendment—namely, that the important despatch of Count Walewski should have received a solemn and deliberate answer from Her Majesty's Government.

What is the Resolution that I propose to the House? It states, in the first place, "that this House hears with much concern that it is alleged the recent attempts upon the life of the Emperor of the French have been devised in England, and expresses its detestation of such guilty enterprises." I imagine that every Member of this House gives his cordial concurrence to the sentiment embodied in those words. I venture to say that throughout the length and breadth of this land enterprises to assassinate the Emperor of the French are viewed with universal execration. I feel no doubt, therefore, that the House of Commons cordially approves the first passage of my Resolution. The next passage says, "That this House is ready at all times to assist in remedying any defects in the criminal law which, after due investigation, are proved to exist." I put in the words "at all times" because I quite agree with the First Lord of the Treasury and the Secretary for the Home Department, that if it be proved that our laws are defective, we ought not to be deterred from making the requisite alterations because other persons may have committed indiscretions, or because suggestions may have come from foreign Governments. But, at the same time, we ought not to make changes in our criminal law without "due investigation." We ought not hastily to make important changes in the law of conspiracy, even conspiracy to murder. Conspiracy *per se* is an unfulfilled—or, as it has been called, an unconsummated—intention. That is a vague, uncertain offence to deal with, and more than any other charge on which a man may be tried is attended with the risk of injustice being done. It therefore behoves the House to be careful as to the extent of the penalties to be attached to the offence. I think it is Sir Mathew Hale who says, "the charge of conspiracy is a net in which you catch the dove as well as the hawk;" and therefore, seeing the uncertainties which surround prosecutions for such a crime, we ought to take care that we do not hastily make dangerous changes in the law of England with respect to conspiracy. I speak with hesitation, not with confidence, upon so grave a question as what may be necessary changes in our criminal law. I would found my opinions rather upon high authorities, upon the *dicta* of men of great experience, upon reports of your public officers,—such as the Statute Law Commissioners,—rather than upon any crude views of my own, based upon abstract reasoning. Now, I find that this very law of conspiracy to murder has already been brought formally under the consideration of the Statute Law Commissioners. The Statute Law Commission met on Wednesday, December 3, 1856, and there were present the Lord Chancellor, Lord Wrottesley, Mr. Baines, the Attorney General, the

Solicitor General, Mr. Greaves, Mr. Colson, and Mr. Bellenden Ker. At that meeting a letter was read from the Attorney General of Ireland, drawing the attention of these distinguished public officers to the differences between the law of Ireland and the law of England with respect to conspiracy to murder. "You will observe," wrote Mr. Fitzgerald, "considerable differences between the laws of the two countries, particularly in relation to conspiracy to murder." This called the attention of the Statute Law Commissioners to the particular criminal law which is now under discussion; and, notwithstanding that, in a Bill now before Parliament for consolidating and amending the criminal law of England with regard to offences against the person, the Lord Chancellor has thought fit deliberately to exclude any change in the existing law relative to the offence of conspiracy to murder. I think that fact ought to have some weight with the House, as showing that the Bill before us is the result of a sudden determination—not of deliberate decision following "due investigation"—on the part of Her Majesty's Government. It may be said that the Bill introduced by the Lord Chancellor, as the organ of the Statute Law Commission, merely consolidates and does not amend the laws to which it relates. That is not the case. The report prefixed to the "Offences against the Person Bill," besides referring to a vast number of cases of the actual introduction into that Bill of legislation which is a change and not the consolidation of any existing law, has the following passage, which bears directly on the present subject:—

"At present, a great anomaly prevails in cases of attempts to commit murder. Sundry of them are made felony and highly penal, while the remainder are merely misdemeanours at common law. . . . It is obvious that, upon principle, attempts to commit murder should be of the same class; section 25, therefore, makes all such attempts felony."

Here is a change in this Bill for the purpose of amelioration in your criminal law, showing that there was a power to amend, as well as to consolidate; and therefore I must suppose that the Chancellor of England and Her Majesty's Government did not see fit to make any change in the criminal law of England in reference to conspiracy to murder, because, after deliberation, the Statute Law Commission did not consider any change desirable or necessary. I do not wish to commit myself to any opinion as to whether the law as it now stands is precisely what it ought to be; but this, I think, is evident, that with respect to the recent event which has taken place in Paris, the law of England is sufficient in all respects to deal with the parties who have conspired towards that act, who aided and abetted in it, or who incited persons to commit the attempt at assassination. Do we not see that a warrant has been issued by the Government for the arrest of Mr. Allsop, a person charged with having been aiding and abetting, in some form or other, this attempt on the person of the Emperor of the French? Do we not see, also, that an alien resident in England has been brought before the police magistrates, and that proceedings are being taken with the view of subjecting him to an indictment at common-law for conspiracy to murder a foreign Sovereign in amity with our Crown. It is considered by some that the law as it now stands gives more power over persons who have aided and abetted this late act in Paris than if you were to prosecute them under the present Bill of Her Majesty's Government. Under the 9th George IV., cap. 32, Sir Robert Peel's Act, any subject of Her Majesty, who is accessory before the fact to murder in another country, may, I understand, be even punished to the extent of taking away his life, but certainly to the extent of penal servitude, if the charge is proved against him; and I believe that the highest authorities in the land have also held that under the terms "subjects of her Majesty," are included all persons who are resident within the dominions of Her Majesty, who are held, therefore, during that residence, to owe allegiance to our Crown and laws. If that be so, it appears to me that at the present moment in addition to the common-law known in reference to conspiracy to murder a foreign Sovereign in amity with our Crown, we have a statute which may perhaps be amply sufficient to deal with any persons who have been concerned in this country in bringing about the dreadful attempt which has lately taken place in Paris. But if there be any doubts on these points, I, for one, would not be the man, and I frankly say so, to stand in the way of such an amelioration of your law as would enable you to deal with persons, be they Englishmen or aliens, who can be proved by clear and conclusive evidence to have aided in the commission of such atrocious acts.

So much for the merits of the Bill; but

I am not now asking the House, in fact, for an opinion on the Bill—for that question will arise after my Resolution has been dealt with,—but I am merely asking the House not to read the Bill a second time this day, but first to give an opinion on my Resolution. I hope that all will agree with me that these words in my Resolution are reasonable words;—"That this House is ready at all times to assist in remedying any defects in the criminal law which, after due investigation, are proved to exist." I must take leave to observe that the noble Lord at the head of the Government and the right hon. Gentleman the Secretary for the Home Department have held arguments in reference to this proposed change in the law which are not quite consistent with each other. First of all, they press on us the maxim that we must do what is right without reference to our being asked to do it or not—which is as much as to say that we have been asked to do it; that a blot has been pointed out by a foreign country, but we are not therefore to be deterred from dealing with it. After pressing on us that maxim, in which, to a certain extent, I express my concurrence—though, to use the expression of an hon. Friend of mine, there is a species of awkwardness in doing anything, however right, under a sort of duress,—after, I repeat, pressing on us that good maxim—that we must do right ourselves, whether asked to do it or not—the noble Lord and the right hon. Gentleman said that they were always going to make this change in the law, even if there had been no French despatch, and if there had been, though I do not know whether they said this exactly, no calamitous event in Paris. But if this French despatch had nothing to do with the bringing in of this Bill, why was it laid in a formal manner on the table of the House, to form, as it were, a foundation for subsequent proceedings which the Legislature was to take? I undertake to say that in the first speech of the noble Lord in introducing the Bill you will not find one single syllable of its having been always the intention of the Government to propose this change, or of their having had their minds turned to this defect in the criminal law for some time past. It appears to me that the idea is something like a second thought; and, at any rate, if it was always the intention of the Government to remedy an alleged defect in our criminal law, it was quite unnecessary to read us such a lecture about the necessity of discharging our duty although the suggestion might come from a foreign Government.

I now come to the third paragraph in my Resolution. I do not know whether the House has gone with me so far as to agree in the first two paragraphs, but I take leave to assume it has no objection to them. With respect to the third paragraph, I express my regret "That Her Majesty's Government, previously to inviting the House to amend the law of conspiracy at the present time, has not felt it to be their duty to make some reply to the important despatch received from the French Government, dated Paris, January 20, 1858, and which had been laid before Parliament." I certainly feel regret at that circumstance, and the House of Commons is competent to express regret, without necessarily implying what is called censure. A man may regret unavoidable circumstances, and I do regret—whatever may have been the cause—the omission to answer Count Walewski's despatch, because I think we now stand before the world as admitting, as it were, the truth of some of the charges contained in that despatch. Nay, more; seeing that that despatch calls in question the policy of England in reference to the right of asylum—that it reflects on the mode in which England has thought fit to permit the right to be enjoyed by foreigners, I say it was the duty of the Government of the country to have replied courteously, with dignity, but firmly, and to have defended and placed on record those great principles which have guided the policy of England in reference to the right of asylum. Does it not look as if we were ashamed to defend our principles when we find, upon the right of asylum being indirectly called in question, the insinuation is passed over in silence? And more than this, I believe that a great misapprehension exists throughout Europe as to the exact nature of our laws in reference to the right of asylum. Now, Count Walewski says in his despatch of the 20th of January—

"It is no longer the hostility of misguided individuals, manifesting itself by all the excesses of the press and all the violences of language; it is no longer even the work of the factious seeking to rouse opinion and to provoke disorder; it is assassination, elevated to doctrine, preached openly, practised in repeated attempts, the most recent of which has just struck Europe with amazement. Ought, then, the right of asylum to protect such a state of things? Is hospitality due to assassins? Ought the English legislation to contribute to favour their designs and their plans? And can it

continue to shelter persons who, by their flagrant acts, place themselves beyond the pale of common right and under the ban of humanity ?"

If no answer has been given to that despatch, it is an admission by silence, that with our eyes open we have sheltered assassins, and that we have actually favoured their designs. But is that true ? No, Sir ; it is not. As my hon. Friend the Member for Sheffield (Mr. Roebuck) truly said, England abhors assassination as much as any nation on the face of the earth ; and if assassins have lived in this country it is by no fault of ours — we have murderers of our own—we have robbers of our own—they are not deterred by the severity of our criminal law from committing crimes ; but is that a reason for saying that England is a country which shelters such criminals, and that our laws favour their designs ? The insinuation of Count Walewski against the laws and policy of this country is unkind and unjust, and it was the bounden duty of the Executive Government to have repelled such an insinuation by a firm and dignified answer to this despatch. I am sorry to see the indifference which is manifested by some Members of the Government to the great principles of liberty which undoubtedly lie at the foundation of English policy, and which regulate this right of asylum. I was sorry to see the readiness with which my Lord Clarendon at the Conferences of Paris silently acquiesced in a resolution condemning—or at any rate aiming at, the liberty of the press. Not only did he say nothing—so far as we may judge from the protocols—in defence of the liberty of the press, which is so dear to us all ; but he actually signed his name to a resolution condemnatory of it. The only answer which the noble Lord gave when called upon to explain this circumstance was, "Would you have had Lord Clarendon make a scene—they were all so harmonious together—why not let these matters, which might lead to dangerous controversy, pass by unnoticed ?" It is the same sort of thing now. This solemn and important despatch of Count Walewski's is not to be answered, because the answer may lead to unpleasant controversy. But I contend that in defence of the honour of England and the principles of our laws we must risk unpleasant controversy, if we wish to maintain our position among the nations of the world. That despatch ought to have been answered. It may be held that it was difficult to answer it ; but I will quote a passage from the speech of the right hon. Gentleman the Member for Wiltshire (Mr. S. Herbert), who sits near me, which shows that there are those who would be ready to answer it :—

"I frankly own," said the right hon. Gentleman, "I never read a despatch which was more tempting to a Minister to answer than this one."

That looks as if there would have been no difficulty experienced in the mind of somebody, at any rate, in answering it. There was a very important view of this question thrown out incidentally by the right hon. Gentleman the Member for Bucks (Mr. Disraeli), when he spoke on the first reading of this Bill. He said :—

"If we had the despatch of Count Walewski on the table, and at the same time the answer of the British Minister worthy of the opportunity, in my opinion the Government would have met with no difficulty, and the feelings of the two nations would have been discussed in the temper which we all desire."

There is great force in that observation, and I have no doubt whatever, if Count Walewski's despatch had been laid before us, accompanied by a becoming answer on the part of our Government, that, without any idea of menace or intimidation, we should have cordially set to work on the attempt to endeavour to find a remedy if any defect could be shown to exist in our law. We should have approached the subject in a better frame of mind, to say the least of it. I think that is a consideration which ought to weigh with hon. Gentlemen in support of my Motion, and which ought to bring home to their minds the relevancy of it to the Bill now under discussion. The words which I have ventured to propose to the House are these :—

"That this House cannot but regret that Her Majesty's Government, previously to inviting the House to amend the law of conspiracy at the present time, have not felt it to be their duty to reply to the important despatch received from the French Government, dated 'Paris, January 20, 1858,' which has been laid before Parliament."

Now, I want to call the noble Lord's attention to the course which has been pursued when what are called friendly communications, or communications in a friendly spirit, on the subject of the state of their own internal laws have been made by England to Foreign Governments. There is no man in this House, or perhaps in Europe, who has had greater experience in the mode of making 'friendly communications' to other countries, as to the condition of their laws and the necessity of a change in their internal policy than the noble Lord at the

head of the Government. I would ask the noble Lord whether he has found other countries prepared to take friendly advice of this sort without replying to it? I think he will find that even the Government with which he has, not very long ago, carried on a very interesting correspondence—I mean the Government of Naples — set a very good example as to how you should behave when friendly advice is offered to you by a foreign nation in reference to a change in your law. I once read in some English newspaper a foolish idea, thrown out, I suppose, by some eccentric character, about assassinating the King of Naples; but, if the King of Naples, had called the noble Lord's attention to that incitement to assassination, with a view to suggest the necessity of a change in our laws, I have no doubt he would have got a sharp lecture, for his pains, on the art of good government, and he would have had pointed out to him that the way to avoid these dangers would be by doing justice, so as to produce contentment among his subjects. In May, 1856, Lord Clarendon wrote a despatch to the Neapolitan Government, which was of a similar nature to this despatch of Count Walewski. It was addressed to the British Minister at Naples, with a request that he would read it to the Minister of the King of Naples, and it was so read. In it Lord Clarendon stated that—

"The British Government were actuated by a 'friendly feeling' in 'offering advice for the regulation of the internal affairs of Naples,' and 'for the adoption of a system of administration which would relieve Europe from anxiety.'"

The Neapolitan Minister replied that he would communicate the despatch to the King, but said that "the King could not, consistently with his dignity, allow any foreign Powers to interfere with the internal government of his country." But the Minister of the King of Naples was not content with this conversational mode of transacting business, but he thought fit to put his views in writing, and he sent a formal despatch to the Neapolitan Minister here to be communicated to the British Government. The despatch contains the following:—

"From the enclosed copy of the despatch, Her Britannic Majesty's Government has assumed the purpose of showing itself uneasy in regard to the internal condition of the dominions of the King, our Sovereign, in order to give advice tending to suggest thoughts of a necessity of a change in our administration, at the same time that it recognizes the value of the principle that no foreign Power has a right to mix itself with the internal affairs of a foreign State.

"The English Government must be convinced that the Government of the Two Sicilies, scrupulous in respecting the independence of others, does not admit in any other a right of interference in the internal administration of the Royal States, and still less that of censuring the acts and the administration of justice.

"He cannot have recourse to the changes suggested until the welfare of his States and his own dignity indicate the occasion and the propriety of the same to his Royal mind. The advice of friendly Powers will always be received with gratitude, but they will easily comprehend that what suits one State may not be equally applicable to another."

I should have thought that the noble Lord, with his experience of the results of making 'friendly communications' to foreign Powers, would have been the first to make one of those dignified replies for which I admit he has been sometimes remarkable, and which, I think, was especially called for on the recent occasion. The question before the House, be it observed, is simply between us and our own Executive Government. It is not a question between the Parliament of England and the Government of France. We are now exercising our legitimate right of criticising the manner in which the servants of this country have fulfilled their duties, and of ascertaining whether they have properly defended the honour and reputation and dignity of England. Now I, like the rest of the world, frequently form my opinions —in fact we all do it, without perhaps being aware of it—from reading the newspapers. We may not be very willing to admit it, but I undertake to say that the newspapers of this country, such a journal, for instance, as *The Times*, have a very considerable influence, for a short period at least, in forming the opinion of the people. I have been a reader of *The Times*, and my opinions have often been very much influenced by what I have read in that journal; and, with the permission of the House, I will take the liberty of reading a brief extract from *The Times* with reference to the policy of the noble Lord at the head of the Government, which seems to me to be aimed with wonderful accuracy and with a very discriminating appreciation of the real character of the noble Lord, and of the character of his foreign policy. Now, what says *The Times*? [Several hon. MEMBERS: "Of what date?"] I am about to quote from *The Times* of the 22nd of June, 1850. I don't suppose

that at his period of life the noble Lord at the head of the Government has changed materially since June, 1850, and I believe *The Times* newspaper is now conducted by the same persons, and has the same head as at that date, *The Times* says of the noble Lord that—

"There is no constituted authority in Europe with which Lord Palmerston has not quarrelled; there is no insurrection that he has not betrayed. The ardent partisans of Sicilian, Italian, and Hungarian independence have certainly no especial cause for gratitude to a Minister who gave them abundance of verbal encouragement and then abandoned them to their fate." "On the other hand"—mark this—"when Lord Palmerston has made up his mind to court the good-will of a foreign Power no sacrifice of principle or of interest is too great for him."

The passage concludes in these emphatic terms:—

"From first to last his character has been the want of a firm and lofty adherence to the known interests of England, and it is precisely from a want of such guiding laws of conduct that our foreign policy has degenerated into a tissue of caprices, machinations, petty contentions, and everlasting disputes."

It is because I think the mode in which this affair has been conducted is of all others the most calculated to occasion disputes with France that I take the liberty of questioning the discretion which has been exercised by Her Majesty's Government. I agree with the noble Member for the City of London that the irritating discussions that have taken place in this House might have been avoided had a more judicious policy been pursued. I believe that if a proper reply had been sent to the despatch of Count Walewski it is possible that we might never have been called upon to legislate upon this subject; and, the sympathies of this country having been expressed for the unfortunate circumstances that had taken place in Paris it is very probable that when the excitement had passed away the matter might have ended without the necessity of involving the House of Commons in any controversy with reference to the Emperor of the French and the views of the French nation. I, for one, feel entirely precluded from offering any opinion whatever with respect to the Government of the Emperor of the French. That is a matter for the French people. I am for non-interference, and therefore I shall not set the example of entering into any discussion as to the mode in which the Government of France is carried on. The noble Lord has told us that the French Government rests on the voice of the people; there is undoubtedly a French Assembly elected, as it is said, by universal suffrage and vote by ballot, and it is not therefore for me to call in question the made in which the Government of France is administered. I confine myself to my legitimate duty, which is to question the discretion that has been exercised by the Executive Government of this country. I now beg, Sir, to place my Amendment in your hands, I believe I am only discharging a legitimate and constitutional duty. I believe that I have taken a fitting opportunity for discharging that duty; and I have only to thank the House for the kindness and attention with which they have heard me. The right hon. Gentleman concluded by moving his Amendment.

MR. BRIGHT seconded the motion.

Amendment proposed,—

To leave out from the word "That" to the end of the Question, in order to add the words, "this House hears with much concern that it is alleged that recent attempts upon the life of the Emperor of the French have been devised in England, and expresses its detestation of such guilty enterprises; that this House is ready at all times to assist in remedying any defects in the Criminal Law which, after due investigation, are proved to exist, yet it cannot but regret that Her Majesty's Government, previously to inviting the House to amend the Law of Conspiracy by the Second Reading of this Bill at the present time, has not felt it to be their duty to make some reply to the important Despatch received from the French Government, dated Paris, January 20, 1858, and which has been laid before Parliament," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. BAINES said, he wished to address a few observations to the House upon the double question which had been been raised by the right hon. Gentleman. He understood that question to be, first, whether the measure now proposed on the part of Her Majesty's Government was right in itself; and, if so, whether any good and valid reason had been assigned which should induce the House to decide against proceeding immediately with its consideration. The effect of the Amendment moved by the right hon. Gentleman would clearly be, to interpose an obstacle in the way of immediately proceeding with this measure, which he (Mr. Baines) submitted ought to be passed into law with as little delay as possible. He could assure the right hon. Gentleman that, if the object of the present Bill was to effect any change in the constitutional principles of the jurisprudence of this country, he would never have given it his support. The fact was,

that the Bill merely attached to a crime of a peculiarly dangerous and malignant character a punishment more adequate to its gravity than could be exacted under the existing law. The Bill left the crime to be tried before the tribunals which now dealt with such offences; the person charged would undergo the existing ordeals of a grand jury and a petty jury; and the rules of evidence now observed would be still maintained. The safeguards provided by the law for the protection of the innocent would therefore continue to exist with regard to the class of offences to which this Bill applied, in precisely the same manner and degree as heretofore. Nothing could be more anomalous and incongruous than the existing state of the law upon this subject in the three countries of England, Scotland, and Ireland. In England and Scotland the law erred on the side of undue lenity, while in Ireland the severest of all punishments was attached to the offences with which this Bill proposed to deal. In England the crime of conspiring or instigating to murder—an offence second only in malignity to the crime of murder itself—was treated as if it belonged to the very lowest category of crimes. Now, it surely could not be right to put the offence of instigating and conspiring to murder upon the same footing with a common assault. It was well known, also, that in the case of many assaults which did not imperil life or involve any serious injury, various statutes had provided a punishment much more severe than could be applied in the case of conspiracy to murder—for mere misdemeanours were, at common law, punishable only with fine and imprisonment, without the power of inflicting a single day's hard labour. In Ireland, however, the offence of conspiring to murder was punishable with death, and he would appeal to his right hon. Friend the Member for the University of Dublin (Mr. Napier) whether the undue severity of the law in that country had not tended to defeat the object with which it was enacted. But that right hon. Gentleman thought the law would become perfectly efficacious in Ireland if the same punishment were attached to it in Ireland as was now proposed in respect of England. The effect of the Amendment proposed by the right hon. Gentleman (Mr. Gibson) would be to produce delay, and if it were adopted by the House, there was no reason why a dozen others might not be brought forward, all tending to defer the improvement now contemplated in our law. Now, in his opinion, much of the hostility shown to the present measure was conceived at a time when hon. Members really did not know what the provisions of the Bill were to be. They apprehended that some kind of Alien Bill was to be introduced, and had hardly yet brought themselves to look upon this proposal in its real character — namely, as a simple means of assigning a suitable punishment to a crime of the greatest malignity. But then it was said that the Bill might be right in itself, but that the present was not the right time to introduce it. The defect in our law having been brought into view by the horrible crime in Paris, which had undoubtedly been hatched in this country, it became us as speedily as possible to put matters on a more satisfactory footing. How, indeed, knowing that such crimes were concocted in this country, should we be justified in delaying to remedy an admitted defect in the law, which at present attached no proper penalty to those crimes? Why, if any conspiracy similar to that which had led to such melancholy results in the Rue Lepelletier were hereafter discovered here, what justification should we be able to present to the world and to our own consciences if, though the defect now existing in our law had been brought prominently to our notice, we were only enabled to treat the crime on the footing of a common assault or a common nuisance? It should be remembered, too, that the insufficiency of the penalty at present provided affected the people of this as well as of other countries. It was said that conspiracies to murder were unknown in this country; but in the course of his experience at the bar he had frequently known the fact of a conspiracy to murder come out on the evidence in cases where, the murder having been carried into effect, the prisoner was punishable capitally. If, however, at any future time proof was forthcoming of a conspiracy to murder any person in England, the overt act not having been committed, such an offence, however malignant, could, as the law stood, be punished only as a misdemeanour. With regard to the Emperor of the French, all must admit that he was the choice of the French people, and that he had been a most honourable and faithful ally of this country. As to the intemperate language of the French colonels, he thought great allowance was to be made for it, considering the circumstances under which it was used. We should

Mr. Baines

consider the state of excitement into which the late attempt had naturally thrown our neighbours. What was the language of our own ancestors when attempts were made on the lives of Elizabeth, of James I., of William III. ? Did they on those occasions always express themselves temperately ? On the contrary, panic and exasperation, hasty words and harsh legislation, showed the public agitation ; and there ought, therefore, to be some allowance for the state of feeling occasioned in France by the late most cowardly attack on the life of a Sovereign to whom he believed France was greatly attached. Such language did not justify the postponement of legislation which was right in itself, and must commend itself to every unprejudiced mind. When was it ever held to be a valid argument in this country that a measure which seemed called for by the public interest should be refused owing to the indecorous language in which it was solicited ? Would it have been proper to reject the Reform Bill because it was asked for in petitions some of which were downright insulting in their terms ? Just as in private life every man of honour would think he ought to do that which was right in itself, regardless of people's observations as to what his conduct might be or had been, so in legislation we ought, indifferent to the language of others, to do that which was just and proper, and to do it at the right time. The right time to apply a remedy was as soon as you discovered the defect. Now, the remedy here proposed was, he believed, a perfectly constitutional one, and he hoped the House would not be induced to postpone legislation on this subject, and to withhold their assent from a measure which supplied a defect in our statute book, gave security to the lives both of Englishmen and of foreigners, and was strictly accordant with every principle of justice.

MR. WALPOLE : Sir, I have waited anxiously until this moment, in the hope that something would have fallen from the Government which would have enabled me to continue that support, which by my vote I have already given, to the introduction of this Bill, which by my vote I would and am prepared to give still, if Her Majesty's Ministers could only show that they had vindicated properly the honour of my country. It is impossible to regard this measure without feelings of the deepest apprehension and anxiety, if indeed it is to go forth to the world that no other answer is to be given to an application to amend our laws, founded upon reasons that are absolutely a libel upon our country, than that which the Bill may be supposed to convey. We are, Sir, left without any explanation upon that point by the last member of the Government who has risen to reply to the right hon. Gentleman the Member for Ashton (Mr. Milner Gibson). We know not whether the allegations in Count Walewski's despatch are still to remain uncontroverted. And now, without a single reason being assigned in reply to a speech which was well worthy of attention, whether we regard the temper in which it was uttered, or whether we consider the sound principles upon which his Amendment was based —a speech in which the right hon. Gentleman states distinctly that he is far from wishing to raise any question which may imperil our relations with France—without, I say, any explanation upon this point, affecting the honour and character of this country, the question being one between the House of Commons as the representatives of the people, and the executive Government, I think we shall be grossly neglecting our duty if we pass this measure upon the mere statements already made by the Government. Taking this view of the question, I own I feel more and more an anxiety in venturing to speak in the most temperate manner I can upon the course which it seems to me we ought to take on this occasion. If we were really discussing the merits of the Bill—as the right hon. Gentleman who has just sat down has done, without adverting to a single syllable of the speech of the right hon. Gentleman the Member for Ashton—if we were to treat this question as if there were no other matters before us except the propriety of such a Bill as this, I would have concurred with him in the necessity of the alteration proposed to be made in our criminal law. I would, in fact, support the measure upon the plain and intelligible principle that it calls the crime by its right name, and apportions to it a punishment commensurate to the offence. I repeat I should support the Bill, and I will now support it still, if I can be assured that our legislation would not be misunderstood in this country and throughout the world. Great questions have been raised in this discussion—the cause of freedom, the rights of humanity, and the honour of England. In answer to those who are opposed to the Bill, I would have said, and

I still say, from the bottom of my heart, I think that the ground which they have taken up—that of the right of asylum being assailed—is not a just ground upon which they can stand. There is nothing in the Bill to impeach that right of asylum which we have been always willing to extend to foreigners or refugees. We make no difference between the stations of the parties claiming from us that right—whether the individual be a crowned head or a simple peasant. I repeat that there is nothing in the Bill to impeach that right, and I therefore do not go along with those who attempt to argue that this Bill is one which impeaches the right of asylum always hitherto given to refugees, and that it is brought forward for such a purpose at the instigation of a foreign Power. But, Sir, I think that there is another ground upon which this Bill must be supported when taken by itself. In my opinion, and in the name of common humanity, when there is brought before us unanswerable evidence that a conspiracy to murder has been hatched in this country, we should show to the world that we will never be parties to screen the criminals. Let not the Government misunderstand me. I will share with them any odium or responsibility that may accrue in supporting this Bill, believing it to be one that is right in principle; but I must do it on this condition—that the honour of England is previously vindicated. What do I mean when I say that the honour of England must be vindicated? I mean, Sir, this: I hold in my hand the despatch of Count Walewski, dated the 20th January—that is to say, more than three weeks ago—asking Her Majesty's Ministers to alter our law as regards conspiracies amongst foreigners residing here. The paragraph in which the requisition is made is this—

"Her Britannic Majesty's Government can assist us in averting it by affording us a guarantee of security which no State can refuse to a neighbouring State, and which we are authorized to expect from an ally. Fully relying, moreover, on the high sense of the English Cabinet, we refrain from indicating, in any way, the measures which it may see fit to take in order to comply with this wish. We rest entirely upon it for estimating the decisions which it shall deem best calculated to attain the object; and we are firmly persuaded that we shall not have appealed in vain to its conscience and to its goodwill."

Now, there is the requisition that has been made to us—it assumes something like a demand. It is a requisition made to us not simply standing by itself, but based upon statements contained in the previous parts of the despatch. And in the previous part of that despatch we have it asserted—an assertion contrary to the truth—

"It is no longer the hostility of misguided individuals, manifesting itself by all the excesses of the press, and all the violences of language; it is no longer even the work of the factious, seeking to rouse opinion and provoke disorder; it is assassination, elevated to doctrine, preached openly, practised in repeated attempts, the most recent of which has just struck Europe with amazement."

The requisition made to us is thus founded upon a statement which is not true. It asserts that assassination has been elevated here into a doctrine. Sir, that was never the case in this country. There is no people on the surface of the world who more hate and detest assassination than the people of England. Well, but the passage goes on to observe, "Ought the right of asylum to protect such a state of things?" No, of course not. "Is hospitality due to assassins?" No, of course not. "Ought legislation"—mark, the Parliament of this country is impugned—"ought legislation to continue to favour their designs and their plans, and can it continue to shelter persons who are guilty of such flagrant acts?" Now, Sir, we shall in effect be admitting those statements if we pass the Bill without an explanation upon those points. The requisition contained in Count Walewski's despatch we are answering by this Bill. We have not denied the offensive assertions contained in it by any declaration to the contrary. If we pass this Bill without any such declaration, our proceedings will imply on the minds of the people of Europe that we have really no answer to give to this case that is brought against us, and that the only answer we can give is to legislate in the way pointed out by Count Walewski. An inference would then be drawn in the minds of other nations that, having legislated so far, we may be induced to legislate further. I have only heard one reason for not sending an answer to that despatch of Count Walewski—it came from the noble Lord at the head of the Government. The reason he assigned was, that the minds of the French people were in too great a state of agitation on the subject. Well might they be in this state of agitation when their ruler was attempted to be assassinated; and we must, therefore, make every allowance for that agitation. But, let me ask you, are the minds of no other people or nation in a state of agitation on this subject? Is the agitation

of the people of England nothing? Have they not a right to ask of us here, sitting in the House of Commons, that these charges shall not be brought against this country before we assent to legislate upon the subject in answer to the demand which has so been made? I will allow for the agitation of the French people as much as any one; but I ask you to allow something for the natural indignation of the people of England. Now, that being the state of the case as regards this House and the Government, what shall we do? I should have thought, that after the debate on the introduction of this Bill, in which this point was raised and pressed strongly on the minds of the Government, they would even then have taken the opportunity of putting upon record the true statement of our case, in as solemn a manner as the charge which has been made against us. And what was our case? The Government might have stated moderately, simply, but most firmly, the state of our law. They might have pointed out distinctly what our laws really are in reference to refugees; they might have declared as distinctly their determination not to alter them. They might have shown that every foreigner who came here owes the same allegiance to the Queen, and is placed on the same footing, while he remains here, as the natural-born subjects of Her Majesty; that he is equally amenable to our laws, and will be made answerable for his conduct; that we believe, and always have found, that our laws are sufficient to repress crime, and that the French, of all nations in the world, might have known they were so—they might have known that no foreigners of any nation will be permitted to concoct plans for attacks against any sovereign or individual, or against our own liberties. Her Majesty's Government might have recollected, that on a memorable occasion we had a Minister in this country—a Minister who, in my opinion, has not had complete justice done to him—but who answered a similar requisition made upon him in a firm, temperate, and dignified manner, without offending the parties from whom that requisition came. That was an answer which, as regarded its time and manner, was received with satisfaction by every reasonable man. The noble Lord might have said that England has done, and will do, all that is due to sovereign rule and to a foreign people, and that she will never consent to allow the asylum which she is willing to grant to all foreigners to be made use of for the purpose of conspiring against any sovereign or party. The noble Lord would have done well had he followed the example set him in this respect by the Ministry over which Lord Hawkesbury once presided. The conduct of that Ministry might have set them an example. On that occasion the Attorney General did prosecute, did convict, and, if war had not broken out would have brought to justice the man who then libelled the Chief Governor of France, and thus the sufficiency of our law and the justice of his despatch were vindicated. It is quite incredible, with this exemplary precedent staring them in the face, that the Ministry should by some inconceivable misapprehension of what they thought best to be done have remained silent so long; and it is still more incredible that when this point was pressed upon them at the commencement of the Session, they should not have repaired the omission then made, and have set themselves right with the House and the country. I am the more particular in pressing this on the Government, because, when the debate was proceeding before there was one thing wanting to make the case of the Ministers complete against the case brought against them. It was a blot in their case that no expression of regret had appeared on the part of France for the insertion in the official *Moniteur* of those Addresses from the French colonels which had given the people of England so much offence. But in the course of the debate they produced that despatch authorized by the Emperor, and expressing his regret; and let me tell the Government that that line and a half did more towards obtaining for them leave to introduce the Bill than all the arguments adduced in its favour. What are we now to do? We do not wish to oppose the Bill—at least, in so saying, I believe I am speaking the sentiments of the great majority of hon. Members on this side of the House. We do not oppose the Bill, which we believe to be a right one, but we do not wish to go on with the Bill until we see that the honour of the country is properly vindicated. Whether the noble Lord will undertake now to vindicate the honour of England, and in what way he will do it, I cannot conceive. But notice was given, three or four days ago, of this Amendment, and the Government were prepared to discuss it. The Government might have met it by sending a despatch in reply during the interval, or

by showing some reasons why no such despatch could be written. They have only met it by stating that the agitation of the people of France was so great that it might have been dangerous to put on record an answer to that despatch—without considering that the agitation of the mind of the people of England is equally as great, and I think they require of you, the House of Commons—a week ago I would have appealed to the Government, but as they have received no vindication of their honour from them—the people of England, I say, now require of the House of Commons that they shall not take one single further step in passing this measure until there is put upon record, as authentic as that which contains the libel upon the people of England, a complete vindication and justification of their honour; and when that is done, they may then consider whether the Bill should be proceeded with. But, until that is done, I hope we shall not incur that which the noble Lord imputed to us in introducing this Bill—I hope we shall not incur, what will then indeed be the fact—the true, the just, but unworthy imputation of being humiliated and disgraced.

SIR GEORGE GREY: Sir it is gratifying to have heard from the right hon. Gentleman who has just sat down an explicit and unambiguous declaration of his approval of the principle on which this Bill is founded, and of the provisions contained in it. He is aware of all the circumstances which have led to its introduction; he is conversant with the provisions of the criminal law of this country; he was himself a member of that Statute Law Commission, the authority of which has been invoked this night against the provisions of this Bill; and he has declared his unqualified approbation of it, and his determination to support it irrespectively of those other considerations to which he adverted. I will not, therefore—especially as I addressed the House in the previous debate—dwell further upon the provisions of the Bill, because I may assume that, so far as its objects and provisions go, the right hon. Gentleman and the Government are agreed. The right hon. Gentleman who moved the Amendment this evening (Mr. M. Gibson), however, was of a totally different opinion; and he declared his intention, if his Amendment should be lost, to support the subsequent Motion—if, indeed, it could be brought on, which, according to the forms of the House, I doubt—of the hon. Member for Plymouth (Mr. J. White), for reading the Bill a second time this day six months. Without adverting, therefore, to the objections to the Bill which were raised by the right hon. Member for Ashton (Mr. M. Gibson), I wish to say a few words in answer to the remarks which were addressed to the House by the right hon. Gentleman opposite (Mr. Walpole). He states that he is perfectly ready to support the Bill, but he is anxious that the honour, and dignity, and interests of this country should not be compromised, but should be maintained by the Government and the Parliament. Sir, it astonishes me, after the debate which occurred upon the Motion for leave to introduce the Bill, that the slightest doubt can be entertained upon that point, so far at least as the intentions of the Government are concerned. The right hon. Gentleman places a construction upon the despatch of Count Walewski which I think is scarcely a fair one; but I admit that there are passages in that despatch which point to a desire on the part of the French Government that what we term the right of asylum to refugees of all political opinions, which gives them the security which the laws of this country throw around all persons who conform to those laws, should, to a certain extent, be restricted in respect of those whom the French Minister designates as assassins and the preachers of the doctrine of assassination. Upon that point the most explicit assurance has been given by my noble Friend (Viscount Palmerston) that the Government never contemplated in the slightest degree the infringement of the sacred right of asylum. So clearly was that stated, that the right hon. Gentleman the Member for Buckinghamshire the other night, placing the construction, which I think is the fair construction, upon certain passages in that despatch, said over and over again that the Government had flatly refused to do the only thing that the French Government had demanded—namely, to ask for any powers which would enable them to deal with refugees residing in this country in a manner different from that in which other persons would be dealt with after a fair trial upon a charge of violating the laws of this country. That has been distinctly understood from the first; and although no despatch has been written in answer to that of the 20th of January, no shadow of doubt can remain upon the mind of any one who has read the pro-

ceedings of this House, or who has watched the conduct of the Government, as to what the intentions of the Government are. But the right hon. Gentleman thinks that it would have been easy for the Government, on receiving that despatch, immediately to have written another in the style that was addressed by Lord Hawkesbury to the French Minister resident in England in 1802—that we might have pointed out the false aspersions which he assumes to have been cast on the character of Englishmen, and have vindicated them from the charges which he holds to have been cast upon them by that despatch, and to have retorted upon the French, as we might easily have done, various arguments and facts which, if our only object had been to write a despatch which would have been an illustration of what the right hon. Member for Ashton called the "spirited foreign policy" of my noble Friend near me, would no doubt have elicited cheers and would have been popular with many. But in my opinion, Sir, such a proceeding, while it would not have added to the honour and dignity of the country, would have tended to aggravate the difficulties with which the question is surrounded, and to have increased the feeling which has unfortunately arisen in the two countries with respect to it. The right hon. Gentleman says that Count Walewski in the passage which he quoted has expressly charged upon the people of this country, that

"It is no longer the hostility of misguided individuals, manifesting itself by all the excesses of the press and all the violences of language; it is no longer even the work of the factious seeking to rouse opinion and to provoke disorder; it is assassination elevated to doctrine, preached openly, practised in repeated attempts, the most recent of which has just struck Europe with amazement."

Certainly, if we had understood the despatch in the sense in which the right hon. Gentleman has read it, and had answered it as he would have had us answer it, we should have been widening the breach between the people of the two countries by imputing to the French Government a libel upon the people of England which I believe they would never have dared to utter and which we did not believe that they intended to imply. But it is clear that the whole paragraph relates to certain "misguided individuals," and, taking the context into account, it is clear that those "misguided individuals" are not Englishmen, from whom, as every one knows, the crime of assassination is utterly abhorrent, but that they are persons, who, in the language of the right hon. Member for Buckinghamshire, it is notorious have recently in this country been openly avowing their approval of "assassination elevated to a doctrine," and who have shown, by the means which they have taken to carry that doctrine into practical effect, that they at all events are not free from the charge which is brought against them in that paragraph in Count Walewski's despatch. We understand that paragraph not to relate to the people of England. It would have been an insult to them to have made such a charge, and I am not surprised at the warmth of the right hon. Gentleman the Member for the University of Cambridge if he supposed that it was intended to apply to the people of England, and not to those misguided refugees with regard to whom the description is too true, although rather higher coloured. If we had understood the despatch as the right hon. Gentleman has understood it, we should have repudiated on the part of the people of this country a charge so utterly unfounded. But the right hon. Gentleman thought it would be right, at all events, to place on record what our intention has been in proposing this Bill, and he said that record should contain a clearly avowed declaration that we intend to maintain inviolate the sacred right of asylum. I am prepared with him calmly to look into the state of our law and see whether it is already sufficient to meet the case of foreigners conspiring in England to commit a murder abroad. Her Majesty's Government did look into the state of the law, and we thought that it did not enable us to state that our law was free altogether from the charge of favouring designs and plans of this nature, because we thought it did not attach to foreigners guilty of the crime of conspiring to commit murder abroad, that penalty which it deserves, and that, by its failing to do so, it did not do that which laws should do—namely, supply a sufficiently deterring motive to persons whose moral principles would not lead them to abstain from crimes of this nature. The construction we placed on this despatch was that it referred only to foreigners residing here, and the French Government were immediately informed that placing that construction upon it we were not prepared to comply with any request that might be made for the

expulsion of foreigners from England. The French Government in their despatch left it to Her Majesty's Government to consider whether they could take any steps for removing any defects in our law upon this subject. We felt that if upon inquiry we should discover any defect in the law of this country which might favour the commission of crimes of this sort, we ought to propose an amendment of that law. We did consider the matter, and we have now submitted to Parliament a Bill which has the unqualified approval of the right hon. Gentleman. Let me caution the House against supposing that it was quite so easy as some hon. Gentlemen imagine at once to answer this despatch satisfactorily. As I said before, there would have been no difficulty in repudiating this supposed libel upon the people of England; but in doing so I think we should have libelled the Government and people of France; we should have been imputing to them a desire to charge the people of this country with a crime with which we did not believe they had the slightest intention of charging them. On the other hand, we were not able to deny that there were persons now living here under the shelter of our laws who were conspiring against the life of the Emperor of the French, a faithful ally of this country, a Sovereign in close amity with this country; nor could we deny that our laws did not provide an adequate punishment for crimes of that nature. We were therefore unable to take that high ground which the right hon. Gentleman thinks we might have taken. But let me suggest to you another consideration. It is difficult to speak openly upon this subject without risking the revival of questions which it is much better not to agitate, and exciting feelings which one does not wish to be roused; but I stated the other night, and I now repeat it, that I felt strongly, that the insertion of those addresses in the *Moniteur*, previously to the explanation which has been given, and to that expression of regret which has been so frankly made, was justly offensive to the people of this country. Suppose the answer to this despatch had been silent upon that point, it would not have been such an answer as the right hon. Gentleman could have wished. If we had answered the despatch at the time we should have had to make the answer an official public document, which, to a certain degree, would have tended to rouse the passions of the people of this country, and to excite feelings of hostility in France. Was it not better, then, that without making any such formal official complaint, and without seeking to obtain the credit which we undoubtedly might have obtained by such a course, we should lay before Parliament a measure which would supersede any immediate proceeding of that kind? We have taken the wiser and more prudent course of not immediately answering the despatch in a formal manner, and during the interval we have obtained that which I think we were entitled to obtain—there has been an expression of regret freely and frankly tendered. But I am by no means prepared to say that it would not be right, after Parliament shall have sanctioned the Bill which we propose, by consenting to its second reading, to place on record a statement of the motives which have influenced us in doing so. We may then, if it should be necessary, after all that has taken place, place on record the reasons which induce us to abstain from in any degree infringing the right of asylum, or granting any extraordinary powers, as applied to refugees, which would not apply equally to all the other inhabitants of this country. That may be a course which it may be right and dignified to take. If that step should be taken after the second reading shall have been agreed to, there will then be less risk of producing ill-feeling between the Governments and the people of France and England. But I must say, with regard to the precedent which has been so much relied upon—namely, that of Lord Hawkesbury—I cannot believe that the right hon. Gentleman who said, "why could not you do as Lord Hawkesbury did in 1802?" is fully informed of the facts of that case. In that year a most offensive despatch—a despatch which Lord Hawkesbury characterized as one that was far from conciliatory—was addressed to the Government by the French Minister in this country. It peremptorily demanded that the English Government should send certain individuals named therein out of this country, and insisted on various stipulations with regard to other persons, who, though not actually named, were designated therein. The two Governments, at that time, were not on terms of close amity or alliance. A rupture was on the eve of taking place between them, though they were not actually at war. What was the answer of Lord Hawkesbury? He told the French Government—most properly, I think—that the British Govern-

Sir George Grey

ment would not alter the laws of this country, respecting the press, at the dictation of any foreign Power, for that would be to violate the principles of our laws and constitution ; but, he added, that whatever could be done consistently with the laws and principles of our constitution in order to give protection to foreign Governments should be done. And he undertook to send to Canada some of those very persons who were then refugees in this country, and whose expulsion from it was demanded. And that is the dignified course which the right hon. Gentleman thinks we ought to take. I presume he thinks we ought to make an exception with regard to certain persons described in this despatch by undertaking, if possible, to remove them from this country, in compliance with the demands of a foreign Government. No such demand, however, has been made by the Government of France of this day. I do not criticise every expression in the despatch of Count Walewski, but I must remind the House of the circumstances of the case, and ask them what would be our own feelings if, with the short time now occupied in travelling from Paris to London, we had found that persons were residing in Paris who were avowedly hostile to the Sovereign and Government of this country, conspiring against the life of the Sovereign of this country, and endeavouring to carry that conspiracy into effect? We should not weigh very accurately the expressions in any despatch that Her Majesty's Government might write to the French Government immediately after such facts had come to our knowledge. There certainly is no reason why we should do anything at the dictation of a foreign Government which our own sense of right and justice does not induce us to do; and we have refused to do anything which is not in strict accordance with the principles of our constitution. What we have proposed to do is to amend the law in a way which we consider desirable in itself; and we think that the House, by adopting this Bill, will enable us to give a complete answer to the despatch of Count Walewski, because it will enable us to say, what we now cannot say, that our law does not in any way—certainly by its positive enactments it does not countenance—but that it does not by the inadequacy of punishment afford persons encouragement to commit crimes of this kind. While we say that we will make no exception to the prejudice of any class of persons residing in this country—that all shall be subjected to the same trial, and that no man shall be punished on mere suspicion, we ought also to say that the guilty shall not escape due punishment on conviction by reason of any defect in our law. The right hon. Gentleman says we ought to have told Count Walewski that foreigners and Englishmen are on the same footing, and that we would deal with them alike. I must remind him that this is not the case in all respects. I referred on a former occasion to a case of which he is no doubt aware, showing that this is not so. There are at this moment legal proceedings pending illustrative of the law. If an Englishman, a subject of Her Majesty in this country, makes himself an accessory before the fact to a murder committed abroad, that man is liable by statute to be dealt with for a capital offence. But there is no such statute applicable to a foreign refugee. At this moment a foreign refugee has been apprehended on such a charge, and, althogh he is accused of what might make him an accessory before the fact to the recent attempt on the life of the Emperor of France, yet the charge against him is, in consequence of the present state of our law, one, not of felony, but merely of misdemeanour; while on the other hand, a warrant has been issued against one of Her Majesty's subjects on the charge of the capital felony, of being accessory before the fact to a murder attempted in France. It is therefore impossible, until a change is made in our law on this subject, to answer this despatch of Count Walewski, by a positive declaration that our law is in a satisfactory state; but by assenting to the second reading of this Bill, we shall evince our determination to remedy the defect. I believe that is the most dignified course to take. If we had sent a despatch in reply, unless it had fallen far short of what is now desired, it must necessarily have involved controversial matter, and probably have led to crimination and recrimination, attended with mischievous results. When the proper time comes we may place on record the reasons for passing the measure. I therefore hope the House will not recede from the position it has already taken by adopting the Amendment of the right hon. Gentleman the Member for Ashton, which, disguise it as you may, has been skilfully framed to obtain votes against the second reading of this Bill. He almost admits

that he has framed it with the view of inviting the concurrence of hon. Gentlemen who, not being hostile to the principle of the Bill, imagine because the right hon. Gentleman's Amendment is not that the second reading should be postponed to this day six months, that the Bill may be subsequently proceeded with. But if this course, the regularity of which may well be doubted, is sanctioned, the Bill would run the risk of being again met on any subsequent occasion by a similar Amendment. I believe the Bill to be recommended for adoption by its own merits, apart from the circumstance that by passing it the House will enable the Government to give a complete and satisfactory answer to the Government of any foreign country as to the sufficiency of our laws in respect of crimes such as that which led to the representations made to us in Count Walewski's despatch.

MR. M'MAHON said, that he thought that after the declarations of the highest authorities it would have been only just and fair if Her Majesty's Government had submitted the question to the Judges in the House of Lords,—what was the present law to punish conspiracy to murder? If the Judges had said that the utmost penalty was a moderate fine and imprisonment for two years, and had confirmed the statement that the punishment was, as the hon. and learned Member for Plymouth (Mr. Collier) had represented, only the same as for conspiracy to charge a man with being the father of a bastard child, there was not a Member in the House who would not have readily assented to a change of the law. The House would be much surprised to learn the fact that a man might be punished for conspiracy to murder with imprisonment for seven or ten years without any alteration of the law. He could not find any instance within modern times of conspiracy to murder. But in 1755 three men were indicted at the Old Bailey for conspiring to effect murder by falsely charging a man with highway robbery, which was then punishable as a capital felony. The case was to be found in *Foster's Crown Law*. The accused, on being convicted, were sentenced to seven years' imprisonment, to be further confined for three years until they found securities for good behaviour —making altogether ten years' imprisonment, and to be twice put in the pillory. They were put in the pillory. One was killed by the violence used towards him in the pillory; another survived five years' imprisonment; and in the seventh year of his imprisonment the third applied and was allowed to go to the East Indies. Such was the law then, and such was the law now. There had been no alteration of it, and he challenged any lawyer to say that if, upon an indictment for conspiracy to murder, the Judges who tried the parties chose to award a sentence of seven or ten years' imprisonment, there would be any error on the record, or any error of fact by which their judgment could be set aside. He did not rely on his own opinion. Mr. Greaves, one of the Statute Law Commissioners, had published a new edition of a book of high authority, *Russell on Crimes*, and in the second volume, page 704, this passage occurred:—

"In former times persons convicted of a conspiracy at the suit of the King to accuse another person of a capital offence were liable to receive what was called the 'villanous' judgment—that is, to lose their *liberam legem*, whereby they were discredited and disabled as jurors or witnesses, to forfeit their goods and chattels and lands for life, to have those lands wasted, their houses razed, their trees rooted up, and their bodies committed to prison. But this judgment was not inflicted upon those who were convicted only of conspiracies of a less aggravated kind at the suit of the party."

There then followed a passage, which was the only shadow of authority for saying that the punishment could not actually be imposed.

"And for some time past it appears to have been the better opinion that the 'villanous' judgment is by long disuse become obsolete, not having been pronounced for some ages, and that the punishment for conspiracies in general is, as in the case of other misdemeanours, by fine and imprisonment, and sureties for the good behaviour at the discretion of the Court."

And Hawkins, in his *Pleas of the Crown*, book 1, c. 72, s. 9, after describing the villanous judgment in nearly the same terms, adds—

"And this is commonly called a 'villanous' judgment, and is given by the common law, and not by any statute, as is said generally in some books to be the proper judgment upon every conviction of conspiracy at the suit of the King without any restriction to such as endangered the life of the party. But I do not find this point anywhere settled."

Why did we not revert to our old law, under which a man was liable to this, the "villanous judgment" — under which he forfeited all his goods and chattels, and was liable to imprisonment for life? It is true that it was said that the "villanous judgment" was, according to the better opinion, obsolete for want of use; but law-

yers knew how many "better judgments" had been overruled. And it would be far better, as he had already said, to revert to the old law than to appear to alter it at the request of a foreign Government. The punishment of imprisonment and sureties for good behaviour would be really and truly much more effective than the punishment by this Bill, for, supposing upon a conviction under this Bill, the Judge in his discretion thought a man sufficiently punished by three years' hard labour, there would be no means of insuring future good behaviour. The object of the Bill, therefore, could not be to secure more adequate punishment, because he had shown that the present punishment was perfectly adequate. Nor could its object be to secure greater facility of conviction, because by changing the offence from a misdemeanour to a felony the accused would acquire the right of peremptory challenge, instead of being limited to challenge for cause. Supposing Pierri and Orsini were put upon their trial at the Warwick Assizes, they would be entitled to a jury of half aliens and to peremptory challenge each of twenty aliens. From the limited number of aliens in that county it would be impossible to prevent six aliens being sworn upon the jury whose opinions were known, and it would be, therefore, impossible to secure a conviction. The experience of Ireland ought to teach them to leave the law alone. From the time when the punishment for conspiracy to murder in Ireland was first made capital, they had had conspiracies to murder there which they had never heard of in England. They had had society in Ireland frequently allowing great crimes without any effort to punish them. They had had that which prevailed in ancient Italy during the reigns of the Cæsars, and which Tacitus described as a state of public feeling under which "the worst crimes were dared by the few, wished for by the many, permitted by all." He believed that it was obvious to every man that it would be desirable to alter the law with regard to conspiracy to murder in Ireland, and that what had been said by the right hon. Gentleman the Member for the University of Dublin was perfectly true, that the severity of the sentence would render it difficult to get a conviction. The second Irish Act was passed in the year of the Rebellion, and at a time when a daily paper used to publish a column of obnoxious names, with a sentence over them to the effect that perhaps some hand more lucky than the rest might reach his heart and free the world from bondage. That Act was passed for a temporary purpose, and ought to have been repealed directly the emergency which had rendered it advisable had ceased. It appeared to him that the real object of the present Bill had not been adverted to, and that was to give to the police an espionage and a power of interference which they did not possess while conspiracy to murder was a misdemeanour. This Bill, then, did not provide a greater punishment or give greater security of conviction. What, then, was its object? So far as he could see its only object was to give the Government a power of espionage and interference with the refugees, which they could not have while the offence remained a misdemeanour. The powers of the police were very different in cases of misdemeanour and of felony. In misdemeanour a constable could not break open doors nor apprehend without a warrant; nor on a charge of misdemeanour could a man be treated as a rogue and a vagabond. But suppose that it was made a felony to conspire with any person abroad, or to incite any person within or without Her Majesty's dominions, to commit murder. A constable, then, without a warrant, on a reasonable charge, might arrest a man on suspicion, and might justify the arrest, though no felony were in fact committed. An unfortunate man, then, suspected of writing a letter, might be arrested on suspicion, and the French police would be well prepared to supply grounds of suspicion. In addition, a man's house might be searched, and his papers seized. Nor was this all; for a man suspected of felony was brought under the operation of the Act 4 *Geo. IV.*, c. 83, s. 2, which provided that persons committing certain offences should be deemed rogues and vagabonds; and among these it was enacted that "every suspected person or reputed thief frequenting any river, &c., or any place of public resort, or any avenue leading thereto, or any street, highway, or place adjacent, with intent to commit felony," should be deemed to be a rogue and a vagabond. It might be objected that that must mean with intent to commit a felony at that place; but that was not so, for it had been held that it applied whether the felony was to be committed there or elsewhere. These unfortunate men, then, many of whom were honest and respectable, might be arrested by the police on suspicion, charged

under that Act, and punished as rogues and vagabonds. The Act also empowered justices, if such persons were suspected to be concealed in any house, to issue their warrant to break open the house, to arrest the persons, and to secure and take away any articles that might be connected with the felony. These unfortunate refugees would be so harassed that they would find it unbearable to live in this country. The Government might just as well, and much more honestly, propose to pass an Alien Bill. It was notorious that foreign Governments resorted to any means to hunt up the refugees who took refuge in this country, and all their powers would be applied to the persecution of these persons, by getting them charged with and suspected of felony. It would be far better and fairer for this country to tell them to leave it at once, than to say they might stay, and allow them to be made the victims of foreign police. Then, again, as to the Bill itself, seldom had a measure been more loosely or more carelessly drawn up. He would just point out a case which could occur under the provisions of the Bill. By the Bill it was proposed to be enacted—

"That any person who shall within the said United Kingdom, or said Islands of Jersey, Guernsey, Alderney, Sark, and Man, who shall incite, instigate, or solicit any other person, being either within or without the said United Kingdom or the said Islands, to commit murder, either within or without Her Majesty's dominions, shall be guilty of felony, and shall be liable upon conviction thereof to be sentenced to penal servitude for life, or for any term not less than five years, or to imprisonment, with or without hard labour for any term not exceeding three years."

And by way of defining the meaning of the word "murder" the Bill went on:—

"In any proceeding under this Act in which the murder shall be alleged to have been intended to be committed in any foreign country the word "murder" shall be construed to mean the killing of any person, whether a subject of Her Majesty or not, under such circumstances as would, if the person were so killed in the said United Kingdom, make such killing murder by the laws of the said United Kingdom."

Now, let the House observe what might result. A Turkish gentleman might be staying in this country, and while here might receive intelligence of the infidelity of one of his wives, and might write to his agent to treat her as unfaithful wives were treated in Turkey—namely, to put her into a sack and throw her into the Bosphorus. Now, surely that killing would be murder according to the English law, and that Turkish gentleman might be made a felon. Again, an American citizen belonging to a State where killing a slave was no murder might be brought under the operation of this Bill if he wrote from this country to his agent directing him to take means to destroy any obnoxious slave. The attempt to define murder in such an Act according to our own law, without regard to the law of other States, was not in accordance with the principles of international law. The present law had existed for as many centuries as the Emperor of the French had sat for years upon the throne, and under it the lives and property of the people had been protected, and that House should not lightly consent to calumniate the English law, to admit that it favoured the designs of assassins, but it ought to say that the law was quite adequate to punish every offence, that it had no notion of submitting to any imputation, or of altering its laws on this subject without a proper case being made out. For his own part, he most sincerely hoped that the House would not consent to the Second Reading of the Bill.

Mr. BYNG said that, having voted against the introduction of the Bill, he now wished to say why he could take no other course than to vote for the Amendment proposed by the right hon. Gentleman. He was well aware of the imputations which might rest upon those who, like himself, felt conscientiously bound to oppose the Bill. He felt, however, that it was scarcely necessary for him to say that he yielded to no man—not even to the noble Lord at the head of the Government—in the horror and detestation with which the bloody machinations and crimes lately carried out and perpetrated in Paris inspired him. Need he add, that he thought the language used in that House, and out of it, towards the head of a nation with whom they were on terms of amicable relationship, was much to be deprecated? He also thought that the expressions used by certain military officers on the other side of the Channel had been made too much of. Our character as a nation stood too high to be damaged by such language, in addition to which it should be remembered that the Emperor of the French had had the moral courage to make frank reparation for what had appeared in the *Moniteur*. Having said this much, he would state the reasons why he should oppose the second reading of the Bill. He thought the time for the proposed change in the law was misplaced, and that the change itself was one of very doubtful policy.

Had they ever when representations had been made to them to put the existing law into operation against any person charged with an offence against a foreign potentate in friendship with England, refused to do so, or had that law been found inoperative or inadequate? There were three distinctly marked cases in our recent history which refuted any such charge. The first was brought forward in 1799, against Lord George Gordon, who was tried for a libel on Marie Antoinette. The indictment stated that the libel in question was published to the great danger of exciting dissension between the subjects of our Sovereign Lord the King and the subjects of Her Most Christian Majesty. He was convicted on that charge, and sentenced to fine and imprisonment for three years. Eleven years later occurred the next case, also one of libel, which was published upon Paul, the Emperor of Russia; and in that case, likewise, the offenders, three in number, were found guilty, and sentenced to five years' imprisonment. The next case was that of Peltier, which, as it had been already referred to by the hon. Gentleman (Mr. Walpole), he need not quote. But in that also the offender had been found guilty, although he was not brought up for judgment, war having in the meantime broken out between this country and France. The language used in his charge to the jury on that occasion by the presiding Judge—language which, in tone and spirit would no doubt be imitated under similar circumstances by any Judge of the present day—was, however, so memorable as to be worthy of repetition. Lord Ellenborough said,—

"I am sure that no memory of past or expectation of future injury will warp you from the straight and even course of justice, and that your verdict will mark with reprobation all projects of assassination and murder."

The right hon. Gentleman the Home Secretary delivered a speech eight years ago which was in the highest degree worthy of his character as a man and an English statesman, on an occasion somewhat similar to the present. After reprehending the abuse of hospitality which certain misguided persons perpetrated here, the right hon. Gentleman went on to say,—

"We have, I believe, ample powers, irrespective altogether of the Foreign Enlistment Act, to suppress all such attempts as may be made by foreigners to form conspiracies. We shall not hesitate, legally and constitutionally, to meet any violation of the law. I believe the powers we possess are amply sufficient to punish by penalties the violation of the law by foreigners after we have been satisfied that these foreigners have really committed themselves in any case in which legal proceedings can be instituted." [3 *Hansard*, cxv. 885.]

He (Mr. Byng) believed the Bill would not produce the desired effect in France and other parts of the Continent, or even in this country. What the Government of France wanted was, not that we should punish persons more severely when they were convicted, but that we should export suspected persons from this country, if so desired. He feared the French Government might say, "You have passed this measure, but you have deceived us, for here is a fresh conspiracy which you said your law would be sufficient to meet, but it is not sufficient." What might be said in other parts of the Continent? He knew it was dangerous for a person in his position to say anything that might be considered offensive with regard to France or any other country, but it was impossible to shut one's eyes entirely to the aspect of things in France and other continental countries. It could not be denied that the people of most of those countries were exposed to coercive and oppressive measures—that liberty of conscience was interdicted, the freedom of the press looked on as a crime, and freedom of speech even in private made a matter of grave suspicion. If they changed their law at the request of France, other continental nations would be apt to say "Here is England, who, we know from her past history, cannot look on those proceedings with favour, consenting to change her law, which one of her own Ministers only seven years ago publicly stated was amply sufficient to prevent these conspiracies"—he would not say at the dictation but "at the instigation of a Government with whose system they cannot possibly have the least sympathy." He believed that the results of this Bill abroad would be disastrous, and he was afraid the effect in this country also would be pernicious. He admitted that in bringing forward a measure for the good of the country the Government was not always to be guided by public opinion; but they should pay some deference to it. He thought this change in the law would be viewed with great apprehension. Much had been said about replying to the despatch of Count Walewski, and an analogy had been drawn between the present case and the despatch of Lord Hawkesbury in 1802. But though he could not think the

conduct of the Government had been either dignified or politic, he was bound in fairness to admit that the analogy of the present case with that of Lord Hawkesbury did not hold entirely good, as had been eloquently pointed out by the right hon. Gentleman (Sir G. Grey). Still he (Mr. Byng) thought an answer ought to have been made, and it would not have been necessary to go beyond the doors of that House to find that answer. It was contained in the Amendment of the Member for Ashton. If, when the House met after the Christmas recess, a Resolution had been moved expressing its horror and detestation at such crimes, and stating that, if the existing laws were sufficient for the punishment of the criminals in this country they should be put in force, but if they were not sufficient to meet such crimes that they would take the state of the law into consideration—if an answer in that spirit had been returned to the despatch of Count Walewski, he believed that sagacious man who was at the head of France, and who knew England as well as any one of themselves, would have been satisfied with such a mark of public feeling, as expressed by the Commons of England. The people out of doors were not, he believed, satisfied with this measure. He might be mistaken in the vote he was about to give —he feared it would be unsuccessful— but he gave it in all sincerity and singleness of heart. He had learned to love those laws which had been found by long experience to be sufficient for the protection of the Sovereign and the safety of the nation, and he had heard no sufficient reason for making the alteration which was proposed, and the more so, as that alteration was proposed at the suggestion of a foreign power.

MR. SPOONER: I am unwilling to give a silent vote on this occasion ; for I never was more surprised than when I heard the speech of my right hon. Friend the Member for the University of Cambridge. Amongst those hon. Gentlemen with whom I have had the honour of acting, I have alway looked upon him as one for whose counsel and opinion I had the greatest deference; but I totally disagree with him in the course which he has announced his intention of taking in reference to the Amendment. A very large majority of the House has voted for the first reading of this Bill; we are now asked to read it a second time ; and, I would ask, what reason is there why we should reverse our decision on the present occasion, no one single change in the facts having taken place ? My right hon. Friend says, that because the despatch of Count Waleski has been suffered to remain unanswered we shall be degraded in the eyes of foreign nations ; that despatch was unanswered when we consented to the first reading of the Bill, the objection, if taken at all, should have been taken then. Now, I do not estimate our character at so low a rate—I do not think we stand so low in the estimation of foreign nations that we should be afraid to take the course which Her Majesty's Government have proposed. I am not afraid of that course; but I am afraid that anything should be said in this House, or that this House should do any act calculated to increase an irritation which we all deplore ; for, if we do anything to increase it, Heaven only knows what may be the consequences. I am one of those who think that Her Majesty's Government did right in not answering that despatch. I know there is a difference of opinion on that subject, but I think the Government did right ; and the speech of the right hon. Gentleman the Secretary of State for the Home Department has confirmed me entirely in the view which I had taken on that subject. The people of France are greatly aggravated in consequence of this most atrocious attempt upon the life of the Emperor, and justly so. I ask, would it have been right to give a partial answer to that despatch ? Well, then, if a full answer was given to it the existing agitation would have been greatly increased. I think Her Majesty's Government were right in waiting till the irritation was allayed, and until the feeling of the people of this country on the subject of the crime committed in Paris had been given expression to. The Government having proposed this measure, which has been carried through its first reading by a large majority, and which, I hope and trust, will receive a second reading by the vote of as large a majority, the Government can, as the right hon. Baronet the Secretary of State for the Home Deparment observed, if they think fit, make an answer to that despatch, which answer may be at once consistent with the good feeling between the two nations—consistent with the sentiments which animate the people of the British empire, and consistent with the honour and dignity of this country. I have another objection to this

Amendment. It is very cleverly and very dexterously put forward by the right hon. Gentleman the Member for Ashton, in such terms as at once betray an anxiety to enlist the sympathy of those who altogether differ with him both on grounds of general policy and on the particular views which he entertains with respect to the subject now under consideration. Let him manfully come forward with a vote of censure of Ministers, and then we shall know what we are voting on. We can then go out into the lobby without any doubt existing as to our opinions; but on such an Amendment as this, hon. Members will go out in the same lobby with quite different views and objects. In fact, with such an Amendment as this, any Member may be voting with quite different objects from those which may be attributed to him. I say that this is not a fair way, nor is it a Parliamentary way, of meeting the question. The question really before us is—shall we read this Bill a second time? And that ought not to be mixed up with anything on which hon. Members may be induced to vote on the same side with those who entertain different and incongruous motives. Whether a woman thrown into the Bosphorus would be regarded as a murder in England is a question which I leave to the hon. and learned Member (Mr. M'Mahon), who, I believe, represents an Irish county, to decide. My right hon. Friend (Mr. Walpole) admits that the Bill will be a great improvement in the law. Then, why should he vote against it? My right hon. Friend says he will not vote against it; but that will not do. He knows perfectly well that if the Amendment of the right hon. Gentleman the Member for Ashton is carried, this Bill will not come forward again. Therefore, voting for the Amendment is really and virtually voting against the Bill. I am exceedingly surprised that my right hon. Friend should take the view he does of this Amendment. There is, admittedly, a great defect in the law as it now stands. I believe that this is a right, just, and necessary Bill, and that it will remedy that defect; and being of this opinion as regards the Bill *per se*, shall I refuse to vote for it through fear, it might be said, that we were passing it at the dictation of a foreign Government? I have no fear of that kind; but to refuse to pass a measure which we hold to be just and right for fear we should be thought to be acting under foreign dictation, will, indeed, be acting under the worst possible dictation; and believing the Bill to be a righteous one, I shall vote for its second reading, as I did for its first. As I am taking a course contrary to that which is being adopted by my right hon. Friend Mr. Walpole, and perhaps by other hon. Members with whom I generally act, I have thought it right to make these few observations in explanation of my vote.

LORD HARRY VANE observed, that it seemed to him that two issues, or rather two propositions, not totally opposed to each other, were raised by this Bill. One regarded the Bill itself, for the introduction of which he had felt himself compelled to vote. When he looked to the atrocity of the crime just perpetrated, the notoriety of the fact that it had been concocted in this country, and that the conspirators had left this country to execute it, he was disposed to make great allowances for the agitation and exasperation against this country which had existed in France. That exasperation was unjust and ill-directed, but it existed, and he was not surprised that the Foreign Minister of that country, participating in that feeling, should have addressed a despatch to Her Majesty's Government, calling upon it to do that which was inconsistent with our habits, laws, and ancient usages. He could not help thinking, however, that the right hon. Gentleman (Mr. Walpole) had misunderstood the purport of one of the paragraphs in his despatch. It was quite clear to him that what was stated by Count Walewski was that certain machinations on the part of refugees had been going forward in this country, and these charges were not levied against the people of this country. At the same time he was bound to say that, although he was not surprised at their silence, he thought it ill-judged on the part of the Government not to have replied to that despatch. He regretted that the Government had not left upon record in courteous language—for the language of Count Walewski was not in his opinion uncourteous—an answer, item by item, to the different points of his despatch. This might have been done without exciting those angry feelings which every one on this side the Channel must wish to allay. They had, however, the assurance of the Home Secretary, that if this Bill passed a second reading his noble colleague would answer the despatch in such a way as to express the feeling of this country upon the charges supposed to have been brought against it. He had heard that declaration with much

satisfaction, as it obviated the inference that any future demand would be listened to, and therefore, as he had voted for the introduction of the Bill, so he should feel it his duty to support it at its subsequent stages. Although he doubted whether it would be efficacious, he did not see that it contained any objectionable features. It was a mere matter of internal regulation, which would have been adopted at any time; and regarding the analogy of private life, he thought that after the full and ample apology which we had received from the Emperor, that no stress ought to be laid upon the despatch of Count Walewski, or any fear entertained that it would be said that we had acted at the suggestion of the French Government. It seemed to him that the Amendment was perfectly consistent with the Bill, and had the Resolution of the right hon. Member for Ashton been brought forward as a substantive Motion he should have given it his support, but as an Amendment to the second reading of this Bill he must vote against it.

MR. BENTINCK said, he was anxious to state briefly the grounds upon which he should vote. He had listened with great attention to the speech of his right hon. Friend the Member for Ashton, which he was ready to admit was one of the ablest and most eloquent that had been delivered in that House for some time, but though he gave him credit for the ability which he had displayed, still he was unable to go along with him. It appeared to him that the effect of the Amendment would be—he did not say such was the intention of its mover—either to produce or increase an unfortunate feeling of irritation between this country and France, or else to place this country in the lowest state of degradation. It appeared to him that the question before the House lay in the smallest possible compass. If the Bill was not required, or if it was objectionable, reject it; but if it was right or requisite, they ought to deal with it without reference to extraneous matters, and rest it on its own simple merits. If the high character and reputation of this country had suffered within the last few years, then by all means, let us consider well what other countries thought and said of us before they dared to do what they thought right. But if the character of the country for courage and straightforward dealing remained—as he believed it did—not only above reproach, but above suspicion, then let them deal with the subject before them according to the dictates of their own consciences, and not from an apprehension of being thought to have acted according to the dictates of others. He could conceive no greater degradation than to record by a vote of that House their approval of a Bill and their agreement in its general principle, and yet be afraid to allow it to be read a second time lest other countries might suppose we acted from fear. With regard to the Amendment, he had no intention of saying anything disrespectful, but he must say that he did not think that his right hon. Friend had dealt with the subject fairly or in a straightforward manner. Either the Bill was a good or a bad one. In his opinion his right hon. Friend would have taken a more straightforward course if he had at once moved that the Bill be read a second time that day six months, instead of trying by a circuitous route to involve them in a discussion as to whether a diplomatic correspondence between the Government of this country and that of France was or was not complete. His right hon. Friend had done his best to put them on a wrong scent, and to lead them into an irrelevant discussion. His right hon. Friend had referred to a saying of a high law authority, that the law of conspiracy was a net which caught the dove as well as the hawk. It appeared to him that the Amendment of his right hon. Friend came under the same category. It had been ingeniously framed to catch birds of every kind. It would have been more straightforward to have been satisfied with either doves or hawks; he ought not to want both. How far his right hon. Friend would be successful it was impossible then to tell, but perhaps they would be able after the division to discriminate them. Before he sat down he must refer to a misconception of his right hon. Friend the Member for Cambridge University as to one expression in the despatch of the French Minister to which he had referred. The sentiment to which he referred was that in which it was stated that assassination was a doctrine which was preached openly and practised in England. His right hon. Friend indignantly repelled the insinuation that the people of this country openly preached assassination. But, for his own part, he could find nothing in the sentence to support such an interpretation of it. Written, no doubt, under a feeling of irritation at what had taken place, the despatch reflected not on the character of the people of this country, but on the French

refugees who had here been engaged in conspiring against France. With all deference, therefore, to the right hon. Gentleman, he must say that he had put a wrong meaning on the sentence.

Mr. WALPOLE said, that he had read on to the end of the despatch to show that it accused the legislation of this country as favouring conspiracy.

Mr. BENTINCK accepted the explanation, though he had understood the right hon. Gentleman to have expresssed his indignation that the people of this country should have been accused of preaching assassination. But if wrong, he apologised for the mistake. A great deal of confusion had been unnecessarily introduced into the debate by mixing up three questions—the right of asylum, the rights which refugees had when here, and the state of our criminal law. These were subjects that could not be discussed at one and the same time. He thought they were justified in thinking the present state of the law defective. The Bill proposed to make it felony to conspire for the murder of a person, and decreed the punishment to be penal servitude for a period not less than five years. Would any one say that penal servitude for life was too severe a punishment for a man fairly convicted of conspiring to take away another's life? In his opinion the man who conspired to take away the life of another in this country or abroad was equally guilty with the man committing murder, and it would be a still greater improvement of the law than that proposed if such a man were to be punished in the same way as the murderer. He should support the second reading. He hoped they would not show to Europe that they were afraid to do what they considered right lest it should be thought they had acted out of fear of some other power.

Sir ROBERT PEEL: Sir, I contented myself with a silent vote on the introduction of this measure; but now, after having had an opportunity of reading its provisions, I am anxious to give some explanation of the feelings which I entertain upon a subject so important, and which has naturally excited a great deal of public interest. I have listened with great attention to the speech of the Prime Minister, and also to that of the right hon. Gentleman the late Member for Manchester—I mean the Member for Ashton—and I must say that I agree with the hon. Gentleman opposite (Mr. Bentinck), who characterized the speech of the right hon. Gentleman as a most able and moderate statement; but, on the other hand, I think the speech of the noble Lord the Prime Minister tended to lead us astray from the direct question at issue. I think the question is one of very great importance, and one which, while it should in no way be exaggerated, should at the same time be considered calmly and dispassionately. I am astonished that the head of a Liberal Government should propose a Bill to Parliament which is opposed by all the most distinguished Liberals in this House. ["No, no!"] Well, almost all the most distinguished Liberals have spoken against it; while, on the other hand, those who are the political opponents of the noble Viscount have given it but a very reluctant and modest support; and I must do the right hon. Gentleman the Member for Buckinghamshire the credit to say that in his support of this particular measure he did not allow the expression of his approval to overflow over any other measures or acts of Her Majesty's Government. The noble Lord the Member for London has made a manly and patriotic speech against the Bill; he spoke, as is his wont, in that dignified tone, and with that statesmanlike grasp of mind, which his enemies, with all their animosity, have never been able to gainsay or to deny him. Then the eloquence of the hon. and learned Member for Sheffield, on the same side, may be taken as an accurate interpretation of the public feeling. It is true that the hon. and learned Solicitor General, who is certainly not the man to hazard such an opinion, has said that the speech of the hon. and learned Member for Sheffield was not very powerful in point of argument; yet the House and the country think otherwise, as is proved by the impression which that speech has everywhere produced. The question before the House involves two important considerations, one relating to the change to be introduced into our law, and the other to the occasion which has suggested the introduction of the present Bill. We have heard the legal part of the subject discussed in all its bearings. I do not for one moment pretend to assert that the treatment of aliens or foreigners residing in England should not be subordinate to the interests of our own community; but I do say that no obscure or indefinite restrictions should be placed upon refugees, at the suggestions of foreign police, so long as they obey our laws, do not interfere with the policy of our

Government, nor abuse that sacred right of asylum which we are proud to extend to them when fleeing from political persecution or oppression in the land of their birth. The asylum which we give them is liable to abuse, as every enactment we can frame, no matter how stringent its provisions, is liable to be evaded or transgressed. The noble Viscount seems to think otherwise, for he is calling upon us to increase the penalty attaching to conspiracy to murder, in order, as he says, to prevent the commission of that offence. If you do pass such a law, let it, I implore you, be so clear and precise that it may be intelligible to all. The present Bill does not fulfil that condition. If the noble Viscount had described it as an alteration of the law required by the exigencies of the times, or as a measure of legal reform which he had long known to be necessary, we might have been prepared to adopt it. Could he prove to us that the law in its existing state favours the commission of crimes such as that recently attempted in Paris, I would be one of the first to say "let us amend it." But the reverse is the fact. The right hon. Gentleman the Home Secretary the other night passed a severe censure upon the Lord Chief Justice for having ventured to express an opinion as to the sufficiency of the present law, at a moment when he had no business so to do. He said that a Lord Chief Justice should give no opinion on such a subject, until he is called upon to give one in his judicial capacity. We are bound, however, to respect the *dicta* of our highest legal authorities, and when two such men as Lord Brougham and Lord Campbell agree in saying that the existing law is adequate for all necessary purposes we must suffer ourselves to be influenced by such powerful testimony. The Solicitor General, it is true, has expressed a different opinion, but he did not throw much light upon the question, and I have not yet heard the hon. and learned Attorney General, though I have been waiting anxiously to see him jump to his feet. If he told us that the Bill was absolutely necessary he might induce us, with his placid manner and persuasive eloquence, to support it; but as yet nothing has been said to show that the existing law requires amendment. We have been told that a reward of £200 has been offered for the capture of Mr. Allsop, and that a Frenchman named Bernard has been apprehended upon a warrant of the Treasury.

Sir Robert Peel

["No, no!"] Well, the mistake is trivial. Upon a warrant of the Home Office [Sir G. GREY: Upon a warrant from a police magistrate]. Well, at all events, M. Bernard has been taken up. What happened at his examination before Mr. Jardine, the police magistrate, on Monday last? Mr. Bodkin, who said that he appeared to conduct the case against the prisoner on behalf of the Treasury, concluded his opening speech with the following curious remarks:—

> "It has been decided that persons guilty of libels against a foreign Sovereign can be indicted in this country, and it would be strange," continued lawyer Bodkin, "if, under the same law, it was not an offence to conspire to commit murder on the person of an individual holding that position."

Now, the Home Secretary has distinctly told us that the attention of the Government was called to a defect in the law; and and yet we are informed by Mr. Bodkin that the law is amply sufficient to accomplish the object which it is intended to serve. Our authorities differ, but I am disposed to believe that the law is adequate, seing that you can seize M. Bernard, and have a reward of £200 offered for the capture of Mr. Allsop. I could not help smiling, the other night, at the strange doctrine laid down by the noble Viscount at the head of the Government. From the year 1822, when Sir James Macintosh moved a Resolution to the effect that the efficiency of our criminal laws was to be increased by an abatement of their undue rigour, up to the present time the chief aim of the Legislature has been to render our code less severe. Now, however, in 1858, the noble Viscount comes forward with a proposal to increase the penalty attaching to a particular offence, with the view of making the law more efficient for its purpose, thus reversing the practice of Parliament for the last thirty-five years. Sir, I look upon this to be a very serious and grave question. Spite of what the noble Lord says, I agree with the noble Lord the Member for London that the Bill will entail shame and degradation on this House and on the country. I can only regard it as a sham and a pretext. The noble Lord has dragged into the discussion the unhappy state of Ireland in former days. It would have been better taste if the noble Lord had not alluded to the former state of that now flourishing part of the empire. The truth is, that under cover of an alteration of the law a Bill has been submitted to Parliament at the dictation of a foreign Go-

vernment. I am surprised that the noble Viscount should have allowed such an unwarrantable interference. If he can refute the reports which are abroad let him do so at once, for I must say that nothing could be more insulting to us, or more degrading to our sense of criminal justice, than to be told, that because six or eight attempts have been made against the life of Louis Napoleon, we must consider ourselves responsible for them. In common with all my countrymen, I abhor and detest assassination, not only because of its atrocity, but on account also of its cowardice. Observe, however, the extreme unfairness which has characterized the conduct of the French Government in the present instance. An attempt is made against the life of Louis Napoleon, and straightway Count Walewski accuses Mazzini, Ledru Rollin, and Campanella of being implicated in the plot. These persons are residing in this country; no evidence whatever has been brought against them; but they are Republicans, and therefore are charged with complicity in the recent attempt in France. Let us change the persons. Louis Napoleon has himself resided in England, a pretender to the throne of France, and during the period of his stay here several attempts were made against the life of Louis Philippe. No honourable man can suppose that Louis Napoleon or Count Persigny, who also at that time enjoyed the hospitality of England, had anything to do with those attempts, and yet, if Mazzini, Ledru Rollin, and Campanella are chargeable with the recent enterprise in Paris, the present Emperor of the French might fairly be held responsible for the attempts against Louis Philippe. The question now before us is both delicate and dangerous; it has many aspects, and is differently judged at different times by the same men. We all know that Count Persigny himself, a very amiable gentleman, was at one time a Legitimist of the first class, the friend of the Duchesse de Berri, while it is equally notorious that in 1849 M. Baroche declared himself a Republican *de la veille*. And now those persons come forward and tell us we must not harbour men who, so long as they reside in this country, and do not commit any crime against the laws, have a right of an asylum in it. The right hon. Gentleman the Secretary of State for the Home Department said, that if any attempt had been made in France to preach sedition against this country similar to that which had been promulgated against Louis Napoleon, we should have been the first to complain of it, and the Government of France the first to repress it. Now, what is the real truth of the case? Does this House forget that in 1848 the odious doctrine was openly preached in France that kings and queens are all robbers of the people's rights? Did we protest against that? Did we say anything about their press at that time? And yet M. Walewski, forsooth, now talks about the licence of the English press. Sir, I think he is one of the last who should have dared to say or to insinuate anything against the liberty of the press in this country. Let us look at this letter of M. Walewski for a moment; but, before doing so, permit me to say, that while I regret exceedingly that no sufficient answer was made to this document by Her Majesty's Government, I never read a diplomatic despatch so shallow or so destitute of point. The attempt which led to the writing of this despatch occurred on the 14th of January, and six days afterwards Count Walewski writes to M. Persigny to say that the French Government find fault with the system going on here, and beg for some alteration. No answer has been sent, but the right hon. Gentleman (Sir G. Grey) has told us to-night that if we pass the second reading of this Bill an answer will be sent. Sir, I must say that this is about the most undignified proceeding I ever heard of, and one most unworthy of the decision which ought to have characterized the conduct of the Government. This despatch is signed by Count Walewski, and in considering its details let us bear in mind the interesting facts, that the man who reads England this lesson was twenty-five years ago himself a member of a revolutionary committee in Poland. This is the gentleman who now tells us, "It was in England that Pianori formed the design of attacking the Emperor; it was from London that, in an affair the recollection of which is still fresh, Mazzini, Ledru Rollin, and Campanella directed the hired bravoes whose hands they had armed." Let me make a remark in reference to that statement. Two men who were taken up in France for an attempt, or for being supposed to have been implicated in an attempt, on the life of Louis Napoleon, were examined as to the supposed complicity of Mazzini and Ledru Rollin, but the answers they gave on that occasion were so utterly absurd as to be wholly

useless for the purpose to which the examination was directed. One said he did not know the person of the Emperor; and the other said he did not know where the Emperor lived. When asked whether Mazzini, Ledru Rollin, or Campanella had any communication with them, one said he saw a person who said another person was Mazzini, and the other said he had seen a person whom somebody else spoke of as Ledru Rollin—and yet, upon the faith of such evidence, M. Walewski talks of this being the country "where the authors of the late conspiracy prepared at leisure their means of action, studied and fabricated the instruments of destruction of which they made use, and thence started to execute their plan." With respect to that I would only say that so long as these men reside in this country they obey our laws. It is only when they go to Belgium and France that they concoct these schemes of assassination which fill the minds of all honourable men with horror and indignation. Then the despatch went on to say, "No one respects more than we do the liberality with which England is disposed to exercise the right of asylum in regard to foreigners, victims of political struggles. France, for her part, has always looked upon it as a duty of humanity never to close her frontier to any honourable person in misfortune, whatever might be the party to which he belonged." Observe the expression, "France, for her part, has always looked upon it as a duty of humanity," and then let the House remember that when Louis XVIII. was tracked from country to country until he had found a refuge in England, France refused to make peace with us unless on the condition of his expulsion. That historical incident is not strictly in accordance with either the spirit or the assertion of the despatch, but this part of the despatch is only on a par with what follows about "the hostility of misguided individuals, manifesting itself by all the excesses of the press and all the violences of language," with the additional declaration that assassination is elevated to a doctrine and openly preached in this country. Now, I will say that never was an assertion more unfair than that. To tell us that the doctrine of assassination is openly preached in this country! Why, Sir, is there a man out of France who would not scorn to give credit to such a foul insinuation? The whole of this despatch throughout is one that I have read with very great regret, seriously aggravated as the tenor of it is by the unworthy insinuations against this country which it contains. But it is said an apology has been made. Some may think that apology adequate, but I for one cannot admit that it is, seeing that after an assertion was made in that part of the public press which is supposed to receive its information from Knightsbridge to the effect that Louis Napoleon and his Government regretted the insertion of the violent language that had been held towards this country, statements of the most severe and unseemly kind have been made in their official paper. And those statements appeared after it was supposed that an apology had been made for the insults that had been offered to this country. One said, "May these miserable murderers, the hired agents of black deeds, receive the punishment which is their desert, but let that *repaire infâme*—that infernal den" —rather strong language—"in which those assassinations are hatched be destroyed for ever." I must say I heard with regret the noble Lord say that he could not deny that to a certain extent this country was a den of assassins. I must say that is an expression unworthy the noble Lord and the position he holds. He says, you must not think too much of these expressions, because they are not inconsistent with the usage which has long prevailed among the military authorities in France, and he adds that they have been inserted in the paper in question inadvertently. Knowing as we do that the public press of France is gagged and that many of its literary men have been expatriated, I say it is idle to say that these articles have been inserted in the one single paper that still has any circulation through inadvertence. No, Sir, they were inserted for the purpose of intimidating this country, and for the purpose of extorting from us the concession embodied in this Bill, which I most sincerely regret the noble Lord, with all his antecedents and his former credit, should have condescended to introduce at the instance of such dictation. But, when it is said an apology has been made for the insertion of those offensive addresses from the colonels and other officers of the army in France, I would ask has any apology been offered for the very strong and unseemly expressions that recently fell from the Presidents of the two Legislative Chambers of France, both of whom appear to have been utterly forgetful of their position, and of that careful expres-

sion of feeling and dignified demeanour which are so conspicuous in the persons holding kindred offices in this country? What does M. de Morny say? Why, that England is a "lair of savage beasts," and a "laboratory of assassins." I am ready to make every excuse for the courtiers of Louis Napoleon; I know perfectly well the conditions attaching to a position like that. M. de Morny is only imitating a predecessor in the office he holds, in the time of the first Napoleon—M. Champagny—who said his master Napoleon Bonaparte "was an angel sent from Heaven to bless mankind, and, like the great Invisible Being, he governed the world by his power and his influence." Sir, I must say these expressions are rather far-fetched. But, the other day, an expression far more powerful was used towards Louis Napoleon by one of his flatterers, who, in the ecstasy of adulation, thus apostrophised him in the course of an address he was presenting:— "Sire, you are too fond of liberty." I think, after that, we may well exclaim, with Madame Roland, "O, Liberty, what crimes are committed in thy name!" But, Sir, this Bill was not considered necessary before the commencement of this Session. It has only been considered necessary after what passed on the 14th of January. Now, ninety-nine of us opposed the Bill on the first reading, and yet I am sorry to say that it has been insinuated that we did so as philo-assassins, as we are called. I have heard that expression used on more than one occasion. Now, I wish it to be thoroughly understood that we who opposed this Bill do not want to preserve the right of asylum for such persons as Orsini and Pierri, or for assassins of any description. We oppose this Bill on motives the most conscientious and the most pure, believing, as we do, that if it passes into law it will be attended with injurious consequences to the best interests of the country. I agree with the right hon. Gentleman that we should have given some expression of our horror and detestation of this wicked attempt on the life of the Emperor. I should have been ready to join in such an expression, which would, I am sure, have been unanimously concurred in by this House. But, Sir, we cannot consent to agree to a Bill which is evidently submitted as a lesson to this House at the dictation of those who should have known our true sentiments better than to ask us to pass such a piece of fancy legislation. Before I sit down, I must take leave to recall to your recollection that this Bill is proposed to us by a Liberal Government, by members of the Liberal party, and is supported by those who have little sympathy naturally with the noble Lord. I do regret that this Bill is submitted to us by the noble Lord the present Prime Minister. I should have thought he, at all events, would have been the very last man to condescend to come before the House with such a measure. We have at this moment three ex-Prime Ministers, two of whom take an active share in public life; and can you believe that any one of those Ministers would have proposed such a Bill as this which is now under our consideration? I ask this House, do they think the noble Lord the Member for London (Lord J. Russell) would have come down here, and have proposed a Bill of this nature? No, you must feel quite certain his spirit would have rejected with indignation such a suggestion. I ask you, the right hon. Gentlemen who sit below me, and who are to a certain extent the representatives of the opinions of another ex-Prime Minister, whether, if he had been in power, that noble Lord would have consented to propose such a measure to the House of Commons? Over and over again has the noble Lord (Viscount Palmerston) taunted those right hon. Gentlemen in this House, before the Crimean war, and during that war, with truckling to foreign Powers, but I ask this House, would those right hon. Gentlemen have truckled one-hundredth part so much as the noble Lord (Viscount Palmerston), if this Bill be passed, will make us truckle? I will only refer to the speech of the Earl of Derby on the first night of the Session, in the House of Lords. [Mr. SPEAKER: "Order!"] Well, Sir, "in another place." I must say that speech was a noble expression of opinion on the part of the noble Lord. I say that speech in another place was an expression of the public feeling of this country worthy of a great statesman, and one which ought to have found an echo in the mouth of the Prime Minister of England. But it is now a very different case. We have this Bill submitted to Parliament, and let me impress upon hon. Members that it is really a very serious and important question. We have this Bill submitted to us by one who had a European reputation for dictating rather than for accepting dictation. I recollect that years ago the noble Lord read some sharp lessons in constitutional

history to the Queen of Spain, and upon another occasion he nearly set all Europe by the ears by thrusting his "pacificating" policy down the throat of the King of Greece. This Bill is submitted to us by the noble Lord, whose opinions appear to have become so changed that he now leaves two of our poor innocent countrymen to pine unaided and unprotected in the dungeons of Salerno. This is not the character he once bore. In 1850 the noble Lord was a "Roman citizen." That time, alas! has long gone by. I well recollect when the noble Lord delighted to descant upon the blooming prospects of freedom in every land—when he was accustomed to advocate the extension throughout the world of freedom, improvement, and progress. How often has he raised a cheer in his own favour and cast a sneer at the expense of others by telling them they advocated that despotism which he despised! More than that, I remember when he told us that our union with France depended upon mutual interests and identity of institutions. Times have, indeed, sadly changed, but I do hope that during the existence of the present *regime* in France at all events, the noble Lord will not attempt to introduce here identity of institutions. I desire as much as any man to see those mutual feelings of hostility that once existed between France and England give place to more satisfactory sentiments of mutual concord. I would give anything consistently with the honour and dignity of my country to promote such a union between the two nations. But I must say I do not think by the introduction of this Bill you are contributing to such an end. To my mind the Bill bears upon its face more than any other Bill which has been submitted to Parliament during the last fifty years—the stamp, to use the words of Byron, of

> "Meanness, and weakness, and a sense of shame,
> 'Gainst which thou canst not strive, thou durst not murmur."

Against this Bill we now protest, and although an accidental majority of 200 Members was obtained—yes, an accidental majority, for it did not represent one-third of the totality of this House—notwithstanding that accidental majority, I trust upon consideration, this House will be disposed to resist the further progress of this measure. At all events I will say, while thanking the House for the indulgence with which it has listened to me, that I think this Bill is fraught with considerable danger, and that I, for one, will give it my continuous and pertinacious opposition. I, for one, will never give a vote which I may think will have in the smallest degree the effect—as I believe this Bill will—of trenching upon the intact and inviolable free soil of this country. I, for one, will never give a vote that may have the effect, as I believe the passing of this Bill would have, of circumscribing the liberal hospitality with which we have ever received the political fugitives from every tyranny, and the unhappy exiles of every land.

Mr. HENLEY said, he should have been glad if the issue before the House had been raised upon another occasion, and in a different manner, but the right hon. Gentleman opposite (Mr. M. Gibson) had truly said he had no other opportunity of doing so. The question being brought before the House, they were compelled to look at and consider the Amendment proposed by the right hon. Gentleman. When he (Mr. Henley) first read the Amendment he said to himself, "How can any man vote against this; for it is all true as gospel?" The right hon. Gentleman the Home Secretary even had admitted that evening, that an answer must be sent to the French despatch. How, then, could the House negative an Amendment, the terms of which every one admitted to be true? He, for one, could not do so. As far as the Bill itself was concerned, he saw no objection to the proposed change in the law. The crime of conspiring to murder was so atrocious, that when a man was convicted of it the punishment of penal servitude was not too severe. That, however, was not the question. There were expressions in the French despatch which ought for our country's credit to have been answered. It was no satisfaction to the country to be told, that something had passed between the noble Lord and somebody else, at which something was said which he (Mr. Henley) thought ought to have been written. It was possible that very few years might pass away before other questions like this might arise. But supposing Lord Hawkesbury had adopted that course fifty years ago, and said only that something had passed in conversation, would not this country have stood in a very different and less favourable position before the world from that which it now occupied? The great and special value of written memorials in such cases was not for the present time, but to lay a foundation and to be a guide for those who came after us, as to what was right to be done

under such circumstances. Some of the provisions of the Bill would, he thought, require to be guarded, or they might have an effect which not even the promoters of the measure intended. This, however, would be matter for consideration when the Bill went into Committee. With respect to the despatch of the French Minister, he could not read it without seeing that, unanswered, it amounted to a direct demand upon this country to deal with those persons receiving its hospitality and protection. He entirely agreed with the construction put on it by his right hon. Friend (Mr. Walpole), and without some protest or denial on the part of this country it would, in his opinion, be laying the foundation for future demands. The carrying of the Resolution, moved as an Amendment, would only postpone the passing of the Bill for a short time; and with respect to the measure itself, he conceived that it would be a protection to honest refugees, instead of an enactment placing them in a worse position; for he had a right in charity to assume that those, who were free from such offences, viewed them with the same feelings of horror and detestation as the people of this country did. They ought, therefore, to rejoice to think that the law would be made somewhat stringent, so as to punish more severely than at present those who were concerned in such conspiracies as the Bill referred to. He did not think that the Bill would afford increased facilities for discovering these crimes, but the greater severity of the punishment might operate in some degree to prevent them, if indeed punishment ever had any deterring effect, which, he thought, was a moot point. But the main question at present under consideration was, whether they could deny that the Government ought to have given an answer to the French despatch, and whether they had not a right to say that they had been placed in a worse position in consequence of that neglect? He thought the question was not now about the Bill, nor was it a question between this country and France; but in his judgment it was a question entirely between that House and the Government, and the House had to decide whether the Government ought to have laid that despatch on the table unanswered as the foundation of the Bill; or whether, when the despatch was received, it ought not to have been met with a fair, temperate, and judicious answer. In his judgment it ought, and he thought great mischief and irritation had arisen from the manner in which the Government had treated the despatch. That being the case, he could not do otherwise than vote for the Amendment.

The LORD ADVOCATE said, he wished to recall the attention of the House to the question before them and the position in which the Amendment had placed them. He had come down to the House prepared to support the second reading of the Bill for Amending the Criminal Law in respect to the Punishment for Conspiracy to Murder. In England at present such a conspiracy was only a misdemeanour, punishable by a comparatively slight punishment: while in Ireland it was a capital offence. In Scotland, though there was no such distinction between misdemeanour and felony, yet at the least there existed doubt how a conspiracy to murder followed by no overt act could be punished. In such a state of things it certainly appeared that our Criminal Code was open to improvement, and that consequently it would be desirable to amend the law in the direction which was deemed right. Now, the present Bill having been introduced with the concurrence of a large majority of the House, an Amendment had been moved on its second reading, with respect to which he would simply say two things—first, that the carrying of the Amendment would be fatal to the Bill; and, secondly, that the Amendment had nothing whatever to do with the Bill. Therefore, when the right hon. Gentleman opposite (Mr. Henley) asked how could the House avoid voting for the Resolution if they agreed to its terms, he replied that, in that case, as it was no Amendment to the Bill, it ought to be considered separately; because, on the one hand, it would be quite consistent to vote for the second reading of the Bill, and, on the other hand, to vote for the Amendment. That he took to be a complete demonstration that this, which was called an Amendment, was no Amendment at all to the Bill; although unquestionably the topics raised were of the greatest possible importance. He should not go at any length into the legal question. Lawyers had differed as to the necessity of the Bill, but he did not think that, as a question of legislative principle, the Members of that House would differ as to the necessity of visiting conspiracy to murder with a punishment at least as great as that proposed by the Bill. He was happy to think

that conspiracy to murder was a rare offence in this country, but when it did occur, the circumstance of its rarity did not deprive the crime of its heinous character, or obviate the necessity of providing a suitable punishment. Therefore, if the present Bill stood by itself, there would be no difficulty in coming to a conclusion upon it in the abstract. But it was said that the Bill was brought forward under foreign dictation; that affected the principle of free soil in this country, and tended to throw a doubt upon the protection to be given to those who claimed the hospitality of England. If he thought so, he would not be the person to speak in its favour, but he did not think that indulging in such violent protestations was likely to increase the reputation of this country for dignity and the consistent vindication of its liberties. The Resolution moved as an Amendment commenced by referring to matters, on which there could be no difference at all, and concluded with expressing regret that Her Majesty's Government had not answered a certain despatch from the French Minister. That, in truth, was the subject of the night's discussion. It was to be noticed that the opening words of the Resolution expressed the detestation of the House for the perpetrators of recent events, and went on to state that it would at all times proceed to remedy any defects in the criminal law which were proved to exist. Now upon this he must remark that no such statement had been made upon the introduction of the Bill. If the proposers of this Resolution were then willing to consider any defects in the criminal law, how came it that they refused to receive this very Bill? But he passed that by, for the question now was whether they were to flinch from passing a Bill, which the majority of that House believed to be right, because the Government did not answer the despatch referred to? He thought that a great many very important, very delicate, and difficult questions had been raised in the present debate. It was difficult to speak with one's mind quite at ease on such questions. Things naturally rose to the lips, which it might be more prudent and discreet not to utter, and sometimes in the course of the debate things had so risen, which it would have been more prudent and discreet not to have uttered. As however this Motion had been made, the subject must be dealt with, and he would now state to the House the grounds on which he thought it would be improper in the House of Commons to pledge itself to the proposed Resolution, which, as he had before stated, was really no Amendment to the Bill. In the first place, while all were anxious to vindicate the principle of free soil in this country, they were also bound to recollect the position of their French allies at the time when the recent conspiracy was being carried into execution. Not only had a very disgraceful outrage been committed, not only had an attempt been made on the life of the Emperor of the French and many innocent persons wounded, but there was no doubt whatever that those attempts did emanate from persons who had taken advantage of our laws and enjoyed our hospitality. Well, Sir, the natural consequence was, that great irritation prevailed not only in Paris, but all over France. The Government of the country, from which these conspirators had gone forth, also naturally felt irritated that their hospitality had been thus abused, and that men, to whom this island had afforded an asylum, should have taken advantage of the liberty which they enjoyed here to concoct not merely political schemes but atrocious murders. Under these circumstances the French Government addressed to their Ambassador in London a despatch, which was to be communicated to Her Majesty's Government. Now, if that despatch had contained anything insulting or offensive to the people or the Government of this country, he agreed that such an insult should have been instantly repelled; but he read the despatch in a very different sense. He thought the French Government were quite entitled to say, "These men have hatched a conspiracy against the life of the Emperor in your country; they have been maturing this conspiracy for some time; many persons who concur in their political opinions have preached assassination; we wish you to consider whether you ought to extend to such men the hospitality you afford to strangers generally; they are murderous assassins; we do not require you to do anything, but we ask you to consider whether you will afford protection to persons who are engaged in such designs." On receipt of that despatch Her Majesty's Government, as the House has been told, replied verbally—"Any alteration of the law of this country—the imposition upon foreigners of any restrictions to which native-born subjects are not liable—is out of the question." That was, he supposed, the answer which

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the right hon. Gentleman wished Her Majesty's Government to embody in writing. The difficulty, however, lay here. No one who read the despatch of the French Government could deny that the statements of facts which it contained were, in some degree, true; but it did not therefore follow that we were to alter our laws to any extent. If these things—these attempts at assassination — could not be prevented without interfering with the liberties of aliens and the freedom of our soil, the laws must continue as they were, come what might, and the good be balanced against the evil. It was, however, a fair subject for consideration whether our laws were in such a state as to be altogether defensible; and upon such consideration that House had, by a majority of 200, declared its opinion that the laws of this country with regard to conspiracy admitted of amendment. Therefore, before giving a final reply to the French Government, which, in his opinion, had asked in a most friendly manner whether we could, or could not, assist them in this matter, Her Majesty's Government proposed the Bill now before the House, not for the purpose of creating a distinction between foreigners and native-born subjects; but in order to attach to the crime of conspiracy to murder, a higher degree of punishment than that with which it could be visited under the existing law. It had been contended that the despatch of the French Government ought at once to have been answered. In his humble opinion it was much better that it should not have been answered at the time by a written despatch, because, in order to answer that despatch fully it would be necessary to go into matters which could be far more safely and satisfactorily settled when the fate of the Amendment proposed by the right hon. Gentleman (Mr. M. Gibson) was known. It appeared to him, also, that by the course now proposed, that House was called upon to place itself in an analogous position to that of the Minister on his first receipt of the despatch, and thereby to undertake no slight responsibility. Her Majesty's Government had been called upon to deal with interests of the utmost possible importance. Great excitement prevailed in France; an attempt had been made upon the life of the Emperor, who had unquestionably been a very firm and faithful ally of this country: and it was most desirable that nothing should take place which might increase the irritation that naturally prevailed. It would have been the easiest thing in the world to write a smart despatch; there would have been no difficulty in saying upon paper what would have tended to make matters worse; but he thought this country and his noble Friend at the head of the Government could afford to act with moderation, with temper, with forbearance, and with patience. Had it been necessary, there could have been no difficulty in vindicating our own law and our own independence against France; but the question at the time was how the crisis could best be met with prudence and discretion. He therefore submitted that this Amendment ought not to receive the sanction of the House, because it appeared to him that the result of its adoption would be to defeat by a side wind the decision to which the House had come the other evening by a large majority; it would certainly have the effect of preventing the Bill from passing; and it did not appear to him that it would be at all likely to conduce to those amicable relations between this country and France, which many hon. Members of that House desired to maintain.

MR. GLADSTONE: Sir, I shall advisedly pass by the principal part of the speech of my learned Friend the Lord Advocate, relative to the merits of the Bill which the House is now invited to read a second time. I see on the part of the learned Lord a disposition to mix two discussions which I think had better be kept apart—two discussions from the combination of which the greatest mischief has arisen, for it is hard upon this country that we should be called upon to discuss questions connected with the amendment of the criminal law, and therefore affecting the security of the private rights of every Englishman, under menace and terror of a foreign Government. I conceive that among the many merits both of the Motion and the speech of my right hon. Friend (Mr. M. Gibson) there is this one, that they render us essential assistance in separating the political and the juridical parts of this question. I must confess that I cannot agree with my right hon. Friend the Member for the University of Cambridge (Mr. Walpole), in thinking either that this measure, considered as a question of legal innovation, is a light matter, or that the change proposed would be beneficial. It appears to me to be a change of a very grave order, and one to which, upon the merits of the proposal, most serious objections may be taken; but, whatever the leaning and bias of my mind may be, I am willing to be in-

structed upon this subject by the authorities of the law. If I find that those, who both from professional knowledge and from practical experience are competent to give an opinion, unanimously or generally agree that it is well for us, in this particular instance, to reverse our steps, to depart from our precedents, to make an exception from the lessons and results of all principle and experience, I certainly shall not close my understanding against the influence of such authority. But how am I to learn these opinions, how am I to weigh that authority, when a Bill is introduced to us, not with an intelligible statement of the condition of the law—not with an exposition of its legal, civil, and social bearings—but proposed by the Prime Minister of the Crown, of course not himself a lawyer, and recommended upon grounds and with reference to considerations that are not legal, that are not social, that are not even English; but that are purely political? I claim, Sir, the power of discussing questions of English law upon English grounds and English considerations, and we shall now see whether, by means of the Amendment of my right hon. Friend, it may not be possible to do something at least towards reserving to ourselves a clear ground and a fair opportunity for pursuing that course. I take, then, the speech of my learned Friend the Lord Advocate as it bore upon the Amendment of my right hon. Friend the Member for Ashton-under-Lyne (Mr. M. Gibson). Now, what were the allegations of my learned Friend the Lord Advocate, in reference to this Motion? He said, in the first place, that the Amendment of my right hon. Friend the Member for Ashton-under-Lyne was fatal to the Bill, and, secondly, that the Amendment had nothing to do with the Bill. I will leave the first of those allegations of the learned Lord to be answered by himself, because, after stating that this Amendment would be fatal to the Bill, he went on to say, in language equally explicit, that it would be in the power of any hon. Member of this House to vote both for the Amendment and for the Bill. [*Laughter.*] I am in the recollection of the House, and I believe I do not exaggerate that portion of the case. Now, having the authority of my right hon. and learned Friend (the Lord Advocate) against himself, it is needless for me to interfere between him and himself, and indeed, there would be something inviduous in any such interference. It appears, however, from the statement of my right hon. and learned Friend that the Amendment has, in his opinion, nothing to do with the Bill. That is, no doubt, Sir, a very convenient proposition if it can be made good, and as it is eminently clear to the mind of the learned Lord, though I don't know whether it is equally clear to the minds of others, I don't at all question that he is naturally anxious to turn such a proposition to the best account. This Amendment has nothing to do with the Bill? And we have heard to-night from the hon. Member for one of the divisions of Norfolk (Mr. Bentinck) that we are called upon to debate a trumpery question whether a diplomatic correspondence is complete or incomplete. It is thought worth while to appeal to some vulgar but vague prejudice, as if diplomatic correspondence, forsooth, could mean nothing but routine or red-tape, it being on the contrary, the fact that when you speak of diplomatic correspondence you speak of that by which war is made, and by which peace is made, by which the honour of nations is maintained, and the disgrace of nations is incurred. It is all very well for us to say, as we may truly say, that there is too much of reserve and chicane about diplomacy; but at the same time diplomacy represents in its substance one of the highest kinds of civilization. For what does it mean but this—that on that field of controversy between nations, where formerly nothing was settled except by the sword, the reason of man has now stepped in, and in fair argument the rights of nations are settled and upheld? Therefore, Sir, the question whether a diplomatic correspondence is incomplete may often be, and in this particular case is, the question whether there be such a thing as national honour, and whether over that honour it is the business of the House of Commons to keep jealous watch. The learned Lord complains—and I think he is very fastidious in his complaint—that the objection of my right hon. Friend (Mr. Gibson) that Count Walewski's despatch has been left unanswered, should be raised on the second reading, and he says, "Why was it not taken on the introduction of the Bill?" Sir, that objection was taken on the introduction of the Bill. It was taken by a right hon. Gentleman opposite (Mr. Disraeli); it was taken by a right hon. Friend who sits near me (Mr. S. Herbert). The learned Lord's complaint would have been frivolous if the objection had not been thus made; but besides being frivolous it is wholly inaccurate. Moreover, not only

was the objection taken as I have stated, but there was a reason why any Member of Her Majesty's Government should have remembered that it was so taken, because the medicine administered in raising that objection did not wholly fail of its effect. Some fruit, some good results, followed from the taking that objection, as I will now proceed to show. Sir, two questions arise out of the Motion we are now considering—one, whether this despatch has or has not been answered; and the other, whether it is a despatch which requires answering before we proceed to legislate; and, as I am one of those who deeply feel the mischief and the danger of these discussions in the form in which they have been introduced to us by the act of the Administration, I must claim the indulgence of the House, while I state my own individual feelings respecting our relations with France. Believing that we shall have many opportunities of discussing the merits of this Bill, I promise the House not to enter upon that question, but to confine myself strictly to the Motion of my right hon. Friend. Although my right hon. Friend, in his equally temperate and able speech, has justly guarded himself on a matter upon which every man ought to be jealous and sensitive, — namely, the maintenance of a good understanding with France, all those hon. Members who feel on this subject as deeply as I do, may be permitted to repeat these sentiments for themselves. Now, what I feel about the French alliance is this—it is a bad principle in general for a country to draw distinctions between one alliance and another. The true policy is, as a general rule, to be equal friends with all the world, except in cases where there have arisen grave causes for necessary offence. Believing that as a general rule to be the only safe principle —believing that deviations from that rule will ordinarily have no other effect than to engender odium in many quarters without enhancing friendships in others—yet I am prepared to say that as regards the relations between England and France a peculiar exception should be made. Such is the position in which they are thrown by their close local neighbourhood, so enormous is the power which when combined they can exercise for good, and so immense the mischief which must result from their dissensions, that I frankly own none of your foreign relations are altogether parallel to those which you hold with France; and I do believe this is so generally felt throughout Europe that no other State entertains any jealousy when, either in the Speeches from the Throne, or in expression through other organs of opinion, a peculiar and special value is attached to the maintenance of a good understanding between England and France. These being my sentiments, Sir, towards the French nation, I make no deduction from them whatever as regards the French Government. Though as at present constituted its origin is recent—though there is much in its history with which, if it were our affair to examine it, we should not be able to sympathize—I say we ought to give to the Government now existing in France every proof of confidence, to extend to them every good office, every aid for purposes of justice which could be demanded upon principles of international law and comity by the most ancient Government, with the most unspotted title, and the freest government and institutions in Europe. Lastly, Sir, there is yet one point more. No man who feels, as I do, insuperable objections to the measure now before the House — no man who feels, as I do, how much the discussions of that measure have a tendency to force men into observation which they would fain avoid, ought, at all events, to refrain from confessing that never in the history of nations (possibly this may be his case) has England had a more frank, faithful, and loyal ally than she has possessed in the person of the Emperor of the French. I go further, and I say how deeply I lament that ever since the conclusion of the peace in 1856—although the alliance has been maintained with loyalty, I have no doubt, upon both sides, and, as I think, with great wisdom and judgment upon one — there do seem to have arisen a succession of questions, first of all about the Isle of Serpents, then about the Principalities, then about the Isthmus of Suez—first one thing and then another — which I am bound to say appear to me, not through the fault of the French Government, to have occasioned an opposition of opinion and of action between the two countries that has become notorious to the whole world. All this I deeply lament, and I feel that these notorious quarrels have greatly weakened the position of England as regards the French Government in comparison to what it was in 1856, and have reduced it to what it was at the moment when the unhappy occurrence

took place which we all so much deplore. Having said thus much with respect to France, in terms, I hope, as unequivocal as they are, I know, sincere, I ask the House these two questions: Has this despatch been answered; and is it a despatch which requires an answer? Has it been answered? It is sometimes found impracticable to obtain a reply from a Government to questions which are put to it. No man, however, with a candid mind can take that objection on the present occasion, because we have had more than one reply. The relations of the replies to one another are very much like the propositions which I ventured humbly to extract out of the speech of the learned Lord Advocate. But, at any rate, I beg to remind the noble Lord that the complaints made as to the despatch being unanswered exercised an important influence on the first declarations of the Government in this matter. Why, the point was anticipated by my noble Friend at the head of the Government. He did not wait for the mention of it by others, but referred to it himself in terms rather emphatic. The substance of his explanation was that the despatch neither had been nor could possibly be answered, for these are the words which he is reported "somewhere" to have used:—

"I am concerned to say that, in point of fact, that which has recently passed prevents our meeting that assertion with refutation. It is not true that the people or the Government of England intentionally encourage or harbour men capable of committing this crime, but unfortunately it is a fact that men have plotted crimes in England, and from England have issued for their perpetration. When we are told by the right hon. Gentleman and others that we ought to have answered that despatch of Count Walewski with an indignant refutation, I say, unfortunately facts prevented our making that indignant refutation."

Therefore, at the time when the Bill was introduced, the despatch had not been answered, and the despatch was, *rebus instantibus*, incapable of being answered. At the commencement of this evening's discussion the case stood a little different, for so efficacious was the complaint, which had been made, that my noble Friend volunteered the statement that not only the despatch might be answered, but that it had been answered; it had been answered verbally. Now, Sir, I am bound to say, of all the explanations we have had, that is the worst and the most unsatisfactory. If there was no other ground for the Motion of my right hon. Friend, that would be sufficient. The thrusting of verbal answers, about which we know nothing, which we have no means of testing, of ascertaining, of judging, and pronouncing upon—the thrusting of them into debates where they may be introduced at will, and again withdrawn at will, and where from the infirmity of memory they are liable both to be misstated at the outset and to be improved upon as debates proceed—such a practice, I say, is one so contrary to the spirit of the constitution and the rules which govern the production of information to this House that in my opinion it emphatically calls for the notice of this House. That, by the way, reminds me of another declaration which was made by the learned Lord Advocate, and which was to the effect that it would have been very imprudent to answer this despatch of Count Walewski's at the time. Now, I cannot make out why that should be the case, unless indeed, my right hon. and learned Friend supposes that the Earl of Clarendon was in such a state of exasperation at the accusations contained in the despatch that he could not trust himself to give expression to his sentiments upon the subject, from the fear of being led to make use of improper language. I confess, however, that I give the Earl of Clarendon credit for possessing greater command over his temper than my right hon. and learned Friend seems disposed to accord him, and I believe that to answer the despatch of Count Walewski at the moment would have been a course as expedient as I think it was obligatory upon the noble Earl to adopt. Well, I have alluded to two declarations with which we have been favoured upon the part of the Government in reference to this question. There remains, however, a third. My right hon. Friend the Secretary for the Home Department says, "The despatch will be answered the moment you have read this Bill a second time." Will be answered! Here, then, are two supporters of the Bill; the Lord Advocate who says that there is no connection between the second reading of the Bill and the answering of the despatch, and the Secretary for the Home Department, who says that as soon as ever this Bill passes its second reading, the despatch shall be answered. Such is the state of hopeless contradiction in which the declarations of the members of the Government are involved. But does, let me ask, this despatch of Count Walewski require an answer, because, after all, the question of mere verbal discrepancies is a

small one compared with the considerations which arise out of the nature of the document itself. The learned Lord Advocate says that the despatch contains nothing offensive or insulting. Now, far be it from me to apply either of those epithets to any expressions used in a document emanating from the French Government, because, however strong those expressions may be, however untrue or injurious in their tendency, yet we ought not to pronounce them "insulting and offensive," unless we believed them to be employed with the wilful and deliberate intent of doing us harm. I, for one, do not suppose that the words in question were used with any such intention, nor can I think that a foreigner is open to any great degree of censure if, labouring under a momentary excitement caused by circumstances of a character peculiarly painful, he should make erroneous allegations with respect to the laws and institutions of this country. While, however, I must decline to avail myself of those expressions, and refuse to designate the expressions in the despatch as "insulting and offensive," I cannot refrain from saying that it contains statements which are utterly incorrect, and at the same time most injurious to England. I refer in particular to two paragraphs, the first of which is as follows:—

"It is no longer the hostility of misguided individuals, manifesting itself by all the excesses of the press and all the violences of language; it is no longer even the work of factions seeking to rouse opinion and to provoke disorder; it is assassination, elevated to doctrine, preached openly."

Assassination elevated to a doctrine and preached openly! This is part of the case against us. Is the charge true, I ask? [Mr. BOWYER: "No, no!"] I trust the hon. and learned Gentleman will allow me to state my argument without interruption upon a matter so grave as this. Is it true, I repeat, that assassination is in England "elevated to a doctrine and preached openly"? Is any man who hears me conscious to himself that such is the fact? If it be the fact, why has not a remedy been provided? Is it not notorious that the law is sufficient to correct such an abuse? Why, then, has no appeal been made to the law? I am not aware that "assassination has been elevated into a doctrine and preached openly;" but if it has been, why has such a state of things been permitted to go on in the presence of those who ought, as a measure of prudence and public propriety, to have called upon Her Majesty's Government to put it down? The imputation is a most injurious one, and I feel assured not less untrue than it is injurious. It is an imputation which should not be lightly made or be lightly regarded by any nation, and I must say—as one who has perhaps too often made it my business to call attention to the failings of my countrymen—it appears to me that England has an undoubted right to demand the vindication of her honour in reference to this question of assassination, for it is a plant which is congenial neither to her soil nor to the climate in which we live. Well, then, I ask if there ought not to have been an answer to this first portion of the despatch?—and I contend that, if national honour is not henceforth to be a shadow and a name, it was the paramount, imperative, and absolute duty of Her Majesty's Ministers to answer the assertions there made. I regret to be obliged to state, that this is not unfortunately the first occasion in the history of European proceedings in which such charges as those to which I have just alluded have been made, and made with justice. A most lamentable step, taken by the representatives of England at the Congress of Paris, tends much to weaken the ground on which we stand in resenting unjust imputations in the case of the press. I hold in my hand a book, in which is contained a paragraph constituting the expression of the solemn determination of the Conference assembled in Paris, in 1856, with regard to the laws regulating the operation of the press in Belgium. I speak in the immediate vicinity of some of the friends of the press, for a free press has, I am happy to say, still some supporters left. I would ask them to listen to the declaration which I am about to read, and to which are appended the signatures of the representatives of England, in union with those of the representatives of other great Powers of Europe. The declaration to which I refer is as follows:—

"That all the Plenipotentiaries, and even those who considered themselves bound to reserve the principle of the liberty of the press, have not hesitated loudly to condemn the excesses in which the Belgian newspapers indulge with impunity, by recognizing the necessity of remedying the real inconveniences which result from the uncontrolled license which is so greatly abused in Belgium."

That was the conclusion at which the Conference of Paris arrived—a Conference at which Belgium, one of the brightest spots in Europe, was not represented. Now, under these circumstances, the ground, he should repeat, upon which the Government

stood, in resenting unjust imputations with respect to the press, was entirely cut from under their feet. The House of Commons, however, had not signified its approval of the declaration made by the Conference of Paris. They have not been called upon to pass judgment upon it. Thirty or forty years ago, in the time of Lord Londonderry, such would probably have been the case, and the verdict of the House of Commons would, no doubt, have been found adverse to the sentiments which it contains. I now come to that second portion of the despatch of Count Walewski, which casts grave imputations on England—imputations in reference to a matter on which a foreign Government must be necessarily misinformed, but to which it will be most disgraceful to us if no answer be returned. The despatch proceeds to ask,—

"Ought, then, the right of asylum to protect such a state of things? Is hospitality due to assassins? Ought the English legislation to contribute to favour their designs and their plans, and can it continue to shelter persons who, by their flagrant acts, place themselves beyond the pale of common right and under the ban of humanity?"

Now, it is here distinctly asserted (the assertion is not the less distinct because it is put in the form of interrogation) that English legislation contributes to favour the designs and plans of assassins. We are appealed to in the name of that common interest which ought to subsist between all nations and all Governments,—and permit me here to observe that, in order to speak with effect of that common interest of nations and Governments, it is necessary that the people should possess an organ for the expression of their opinions, and that there are certain limits to the *solidarite* and community of interest between Governments when they are separated, owing to the want of free institutions, from the people. Well, Sir, we are called upon, for the reasons urged in this despatch, to alter the laws of England without even having gone through the decent form of something like a legal investigation—without receiving anything like a proof of the facts that have transpired in France, or without ascertaining what could have been effected by the machinery of the laws now in existence. This despatch ought to have been answered. It is not for me to dictate the terms in which that answer should have been couched. I think it would have been, however, but right that the House of Commons, before it was called upon to legislate in a way that might affect not only the rights of every refugee, but the rights and security also of every Englishman, should be furnished with some more detailed information upon this subject. What, let me ask, is the consequence of the course which Her Majesty's Ministers have pursued? They have laid the despatch, without being answered, upon the table of this House, and have presented it in connection with the Bill now under discussion. My right hon. Friend the Secretary for the Home Department invites us, by giving to that Bill a second reading, to answer the despatch of Count Walewski. Well, if the Bill is to be our only answer to that document, then, I say, we shall be in effect admitting the truth of this statement which it contains. If you interpose no protest—if you interpose no denial of these imputations, but merely send across the Channel, the Bill as adopted by Parliament, that Bill will be tantamount to an admission of their truth. And what is the effect of admitting the truth of these allegations? In the first place you inflict a cruel wound upon your country—a wound upon its laws, upon the feelings of its people, and upon the most venerable traditions of its history. But, Sir, you do more than this. There are secret rumours in circulation—whispers which pass from man to man about the state of feeling in France, and the consequences which are to follow if this House shall exercise what I will venture to say, but for these apprehensions, would have been the independent judgment of the vast majority of its Members. There are such rumours abroad; and we are called upon to sacrifice only a little bit of English feeling, of English law, of English usages, and of English recollections, in order to produce a satisfactory state of feeling in France. I trust, Sir, that we shall rise to something a little higher than this short-sighted policy. Are we to treat that great and gallant people, who make no trifling claims to march at the head of the civilization of the world, that people distinguished alike in arts and the pursuits of peace, and in military glory, like some child in the nursery, to whose reason we cannot venture to appeal, but who must be coaxed with a sugar-plum to be quiet? No. Let us place some confidence in the people of France. There never was a case where an assembly like this, known, at all events, to be frank and above-board in its proceedings, did place confidence in a friendly nation, and found that confidence abused. Why, Sir, we have not even explained to France the state of our law. We have not even in

this House had such an explanation from the law officers of the Crown. I see, or I think I see, the Attorney General preparing himself, and perhaps he will follow me. Let me tell him that it is a grief to the whole country that he has not spoken before. Down to this moment we are without anything like a general authoritative exposition of the state of the law on the part of the Government. Of course, it would have been competent for the hon. and learned Solicitor General to have given us such a statement, but he did not. In the course of his speech he confined himself to certain appeals and arguments which, whether they be good or bad, did not contain an exposition of the law. It would but have been just to England—it would but have been just to France—to have given to France an exposition of our laws. I will just show, with the permission of the House—without entering at all upon the merits of the Bill—the fallacies which are in circulation upon the subject, and in what high quarters those fallacies prevail. What said the noble Lord at the head of the Government when he introduced this Bill, and what did he repeat to-night? "A conspiracy for murder," said he, "oh, you may indict a man for it, true, but it's all the same as if you indicted him for conspiring to hiss an actor off the stage." That's the declaration of the Prime Minister —not of a law officer—but of the organ of the Government recommending a great and important change in our law. But is that statement substantially true? Far be it from me to set my authority even against the unprofessional authority of the noble Lord; but if I can trust to the declaration of lawyers of the greatest weight and dignity, that statement, even if technically true, is substantially without the smallest foundation—that is to say, it may be technically true that all misdemeanours stand in the same category; and no great wonder, seeing that Blackstone lays it down that properly and strictly speaking "misdemeanour" is synonymous with the word "crime;" but it is not true that all misdemeanours are trifling, that they are light matters in the eye of the law, and that they are only slightly punishable. I will venture to say that the law of misdemeanour has this charateristic, that it leaves great discretion, unexampled discretion compared with the statute law, in the mind of the Judge; that it gives to the Judge a large elasticity of power, which elasticity is founded upon and justified by this, that under the name of misdemeanour are comprised together acts of the slightest and acts of the gravest and heaviest criminality. Although it may be perfectly true that you cannot forfeit the goods of a man for a misdemeanour, that you cannot transport him beyond the seas without a statutory warrant, yet this I say, without fear of contradiction, that there is no limit to the amount of punishment which may be inflicted on a man convicted of misdemeanour, either in the shape of privation of temporal goods, which is not very different from forfeiture, or in the shape of personal imprisonment, which may be inflicted without any limit of time in proportion to the gravity of the offence. I do not venture to make such a statement on my own authority, but on authority of which the Houses of Parliament will hear more before these discussions are at an end. Why was not this made known to France and to the French Government? And what is the consequence of the course which has been taken instead of making the state of our law known to the French Government? Whether what I have stated be accurate or not is of secondary consequence, but there is not the slightest doubt that great and heavy punishment may be inflicted for misdemeanour, and it would have been well if that information had been conveyed to the Government of France. And what do we now do? A demand is made upon us on the ground that we shelter assassins; as our answer we send back this Bill. But is the real demand made upon us in that despatch that we should convert conspiracy to murder from a misdemeanour to a felony? Is that the object which Count Walewski has in view? When he speaks of sheltering assassins, is it not obvious that he means there ought to be a power centred in the Government of sending suspected persons out of the country? That is the construction which I put upon the demand, and I do not think any other construction can be made good by argument founded upon its terms. But whether it be so or not, what is the consequence of our answering it by this Bill? It does nothing but enhance the penalty. The noble Viscount says that by enhancing the penalty you prevent the commission of the crime, and thus coolly reverse the rule and principle which has lain at the foundation of every criminal statute that has passed this House for the last thirty or forty years. We send across to France a Bill which enhances the penalty, but which does

nothing whatever towards detection; and if it does nothing towards detection, can any person seriously maintain that it will meet the terms of Count Walewski's despatch? We begin, before this House is asked to legislate, by answering the charge made against us by an admission of them, —having admitted them, we meet them by a piece of legislation which will be wholly illusory. The effect of that will be, that though it may be accepted for a moment as a flattering compliment to wounded feelings, yet, when the real nature of the gift is discovered—when it is found inoperative for any purpose of good, though it sacrifices an important principle of English law, there will be a renewal of the demands the right to make which, and the obligation to comply with which also, we shall have admitted if we proceed to legislate under the despatch which now lies on the table. For these reasons I do hope that the House will to-night consider the question which is submitted to it by my right hon. Friend. The connection between the despatch and legislation has been admitted by the Government themselves and particularly by my right hon. Friend the Home Secretary, who says that he cannot answer the despatch until you have read the Bill a second time. The importance of our decision, in my opinion, cannot be overestimated with respect to the duty of this House and with respect to our national honour. I must confess that, much as I detest those qualities in foreign policy which are characterized as meddling and quarrelsome, I do think that a man who respects other nations, who sensitively respects the rights of other nations, will be readier to defend those of his own. If there is any feeling in this House for the honour of England, don't let us be led away by some vague statement about the necessity of reforming the criminal law. Let us insist upon the necessity of vindicating that law. As far as justice requires let us have the existing law vindicated, and then let us proceed to amend it if it be found necessary. But do not let us allow it to lie under a cloud of accusations of which we are convinced that it is totally innocent. These times are grave for liberty. We live in the nineteenth century. We talk of progress. We believe that we are advancing, but can any man of observation who has watched the events of the last few years in Europe have failed to perceive that there is a movement, indeed, but a downward and backward movement? There are a few spots in which institutions that claim our sympathy still exist and flourish. They are secondary places, nay, they are almost the holes and corners of Europe so far as mere material greatness is concerned, although their moral greatness will, I trust, insure them long prosperity and happiness. But in these times more than ever does responsibility centre upon the institutions of England, and if it does centre upon England, upon her principles, upon her laws, and upon her governors, then I say that a measure passed by this House of Commons—the chief hope of freedom—which attempts to establish a moral complicity between us and those who seek safety in repressive measures, will be a blow and a discouragement to that sacred cause in every country in the world.

THE ATTORNEY GENERAL: I am very well aware, Sir, of the disadvantage of following my right hon. Friend, for there is no occasion on which there occurs to my mind more vividly than then the well-known passage,—

> "————————— the eyes of men,
> "After a well-grac'd actor leaves the stage,
> "Are idly bent on him that enters next;"

and undoubtedly, feeling that disadvantage, I will not attempt to cope with my right hon. Friend in rhetorical eloquence or in splendid declamation; but I will introduce what I have to say by a few true and faithful words with respect to the history of this measure. You have been told that there is a connection between this Bill and the despatch of Count Walewski. Sir, I recommended this measure to the Government, and, at the time when I recommended it, I had neither seen nor heard of the despatch of Count Walewski. This measure was proposed to the Government from a sense of English interests, and with a conviction that it was prompted by an English spirit, and was for the benefit of English law and English institutions. I call on you now to try it by that criterion. If, after the explanations which you have heard, you believe it to be a foreign measure, it has no place in an English House of Commons; but if you believe it to be prompted in the spirit of our law, and to be conducive to the right which we have in Europe to uphold that law, and to maintain English liberty, then I call upon you to reject the imputations which have been cast upon it of being a child of foreign growth, and I hope that you will concur with me in thinking that it is a necessary measure for the purpose of ena-

bling you to vindicate that English privilege which you call the "right of asylum"—a right which, in my humble judgment, cannot be consistently maintained unless this measure is passed into a law. Now, I have told you faithfully in what spirit this Bill was conceived; but I will add that, if on reading the despatch of Count Walewski, I could have placed the same interpretation upon it as has been done by the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole). I would have been no party to the prosecution of this measure. If I could have believed that the appeal to the English Legislature on the consequences of the existing state of the law made in that despatch, was wholly unfounded, or was a libel upon our law, I should have refused undoubtedly to be for one moment a party to considering the propriety of making any addition to that law. Now these are the feelings and the principles that led to the introduction and formation of this measure; and I will proceed in a few plain words to explain to you in what view of the English law it has been conceived, as necessary to justify the maintenance of those rights and privileges of which you are so justly proud. The state of the English law I believe to be this—that foreigners are able to do in this country that which your own subjects are unable to do, and that which would be a crime in natural-born British subjects is a matter of impunity in foreigners. Now, how do I claim the right to protect a foreigner? When he comes to our shore I put him on a par with the British subject; I claim for him, and I insist on giving him, the same rights which are given to natural-born Englishmen; but I will give them to him on the same conditions; and those conditions are, that he shall abide by the law, that he shall respect the law, that he shall be amenable to the law; and, if he be not now amenable to the extent that a British subject is, then I call upon the House of Commons to supply that defect in the law, and to place him in a parity of condition with the British-born subject, in order that you may with perfect right before the world claim the privilege of extending to him the same protection and the same advantages which are claimed by natural-born Englishmen. Now, Sir, is that legislating in an English spirit, or is it legislating under foreign dictation? Is it a measure to forego, or abridge, or detract from what you call the right of asylum; or is it a measure to justify to the world the claim which we make in the face of the world, that, no matter what his political offences or his political opinions may be, the man who comes to our country and abides by our laws here, shall be sheltered under the shield of England, and shall be protected from every species of attack that may be directed against him? Now, Sir, what is the state of the English law at this time? The House is well aware that by the 9th *Geo.* IV., British subjects committing a crime abroad—a murder for instance—are amenable to English law, and may be tried as if the murder were committed in this country; but that statute is confined entirely to natural-born British subjects. Anterior to that statute even British subjects might have committed murder abroad, and inasmuch as the crime was committed abroad, and not within the peace of the Queen, it was not punishable, and could not be tried in our courts. Accordingly, that Act was passed whereby British natural-born subjects, if they commit the crime of murder abroad, are amenable at once to the law of this country. But what is the case with regard to foreigners? If half-a-dozen of them came to England, and concerted a murder here, and then went abroad to commit it, and afterwards came back again for refuge to this country, they would not, according to our law, be punishable in the courts of this country. Therefore this particular Bill has been introduced, in order to make that an offence which is not one now as regards the foreigner, so that the enactment will hereafter comprehend the foreigner, and will place him in a similar position to that in which the natural-born subject at present stands. So much for the justification of this particular proposition. Try it by its merit, but do not attribute to it an origin which is so far from being deserved that no man would venture to assert that it was prompted by foreign dictation, or regard to foreign interests, who had a competent knowledge of the subject. My right hon. Friend desires to have an exposition of the state of the law in respect to conspiracies to commit murder, and to learn whether it is not at present sufficient to answer the exigencies of the particular case before us. He also expressed some surprise that I had not informed the House upon the point when this question was last under consideration. I can assure the right hon. Gentleman that it was nothing but a serious

attack of illness which compelled me to absent myself on the evening when this measure was first discussed. The right hon. Gentleman himself contended that the law as it at present stood was sufficient to meet the exigencies of the present case. I believe that the state of the law at present may be thus accurately represented:—Supposing two or more foreigners in this country conspire together to commit a crime abroad, although the thing which they conspire to do is a crime, yet, if it be committed abroad, it would not be punishable by the law of this country; neither is the conspiracy punishable. I believe, notwithstanding the general words that have been used by some authorities, that for a conspiracy to be a crime it must be a conspiracy to commit that which, if done, would be punishable as a crime by the law of the country. I am perfectly aware of the very general meaning that has been given to the word "conspiracy;" but permit me to remind the House that no confidence can be placed in English law upon any general expressions or universal definitions, unless they are capable of being proved and illustrated by precedent and example. Now, I believe that I may defy any lawyer to produce an instance—at least, neither my hon. and learned Friend the Solicitor General, nor I, nor those whom we have consulted, have been able to find one, where, there having been a conspiracy to commit a crime abroad, which crime, if committed here, would not be punishable by the law of this country, the conspiracy itself was held to be a crime in law. I believe no such case has occurred, and I therefore decline to be guided by any such general expressions as an exposition of the law. But I admit there is another principle, very wide in its application—so wide, indeed, and so indefinite, as to make it neither safe nor proper to be recommended for acceptance in the present case. It is, undoubtedly, a principle of our law that whatever tends to interrupt the amity of the Sovereign with a foreign Power in alliance with our Sovereign is an offence, to use the language of some of the older statutes of our country, against the amity of the Crown. Ordinary offences within the jurisdiction of England are said to be against the peace of the Queen; but this particular class of offences is termed an offence against the amity of the Sovereign as tending to interrupt friendly relations between the Crown and foreign States. It is therefore perfectly true that under the operation of that principle a conspiracy to murder a foreign Sovereign might be punishable by our law; but that principle does not extend beyond the person of the ruler. If you could suppose the case of the perpetrators of the late horrible crime to have conceived the crime of destroying the Empress of France anterior to the birth of the young prince, even that crime, at which humanity would shudder, would not be punishable according to that principle of the law to which I have referred. But it is a principle which I should be sorry indeed to take down from the armoury of English law, in order to wield it as an ordinary weapon; because, although it is applicable to the dreadful offence of assassinating a foreign Prince, yet it is expressed in such terms that if it were once appealed to it would involve the obligation of our using it upon occasions on which I myself would never consent to use it. Let me beg the House to observe the manner in which it was laid down on the very last occasion—namely, on the trial of Peltier by the Chief Justice, who said:—

> "I lay it down as law that any publication which tends to degrade, revile, and defame persons in considerable stations of power and dignity in foreign countries may be taken to be, and treated as, a libel, and particularly when it has a tendency to interrupt pacific relations between the two countries."

I believe that the House of Commons would be the last body of men that would for a moment attempt to justify the application of this most elastic and universal principle. I cannot bring it home to my right hon. Friend the Member for the University of Oxford more effectually than by referring to that publication which did so much honour to his humanity and generous indignation, and which called forth the indignation of Europe. If that particular publication had been complained of by our ally the King of Naples, this principle would have compelled me, in virtue of my office, to stand in a most painful position as regards my right hon. Friend. I cannot, then, for a moment believe that the House of Commons will agree with the conclusion which my right hon. Friend has been somewhere persuaded to adopt, that there is a principle already existing in English law quite sufficient to answer all the purposes of this Bill. I have already said that if it were once appealed to you could not refuse to use it upon all occasions, even on the smallest occasion of friendly relations being interrupted by publica-

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tions tending, according to the language of a learned Judge, to degrade, revile, or defame persons in considerable stations. When applied to crimes such as those which shock all Europe, why, then it would be a most insignificant weapon, because it only places such crimes, and the punishment of them, in the same category and upon the same condition as imaginary offences—things which, in truth, ought not to be regarded as amounting to crime at all. In this state of things, therefore, this measure was recommended to the Government in order that a foreigner being placed on the same footing as a British subject in respect to the punishment of crime, we may on every occasion have a reason to give to foreign Governments why we persevere in giving an asylum to foreign refugees. Will the House now allow me to draw attention to the language of Count Walewski's despatch, which has excited so much indignation, and to inquire whether the words in that despatch are not justified by the condition of our law which I have described? Count Walewski states in his despatch that two things are to be complained of in England. The first is, that assassination is preached in this country. Now, no man who reads that despatch can for a moment go along with the observation of my right hon. Friend the Member for the University of Cambridge in believing that anything of this kind is imputed by Count Walewski to Englishmen. If there are assassins in England they are not of English growth. They have been imported here from other countries. I believe there is no man conversant with the history of England who would not treat as ridiculous and contemptible the charge that assassination was even known, much less habitually perpetrated in this country, excepting only by those foreigners who have been brought here from other countries. But I am sorry to say this House and the country well know there is good reason for the statement of Count Walewski, that publications have been made in this country at the instance of those foreigners exactly answering the words of the description contained in his despatch, by which tyrannicide has been openly preached as a doctrine, and by which passages have been studiously collected from classical antiquity—from Greek and Roman writers—nay, even from the Old Testament itself, in order to inculcate the doctrine that when a man is trampling upon the laws and liberties of his country, and has raised himself to a despotic power, the inhabitants of that country are not only relieved from the ordinary obligations of law, but are bound, under the strictest obligations of natural justice, to assassinate that man. Tyrannicide in such a case, according to those publications, is not only permissible, but commendable. The Government has had its attention directed to these publications, and it will be very quickly seen what course the Government has thought proper to take with reference to them. So much, then, with regard to one particular passage in this despatch. And now as to the other passage, which states that the legislation of England favours these attempts. I have explained in what sense the despatch is to be read, and I am bound to admit that, taken in that sense, this particular observation is correct, because, if my view of the law be well founded, that foreigners may with impunity do that which British subjects could not do, and that while the law places them in the same position as British subjects with regard to protection, it is insufficient to subject them to the same penalties, why then it is a just observation that the statute law of England does favour these wicked machinations of foreign refugees, and it is to this state of the law of England that the French Minister invites the attention of this Government. Having invited that attention, the despatch concludes by words which I think are indicative of the spirit in which it was written, namely, "France trusts entirely to the good will and conscientious feeling of the British nation to take such measures as might be necessary under the circumstances." It was from a conviction that that appeal would not be made in vain that these enactments have been embodied in this Bill, and submitted to an English House of Commons. I cannot imagine that there is any doubt whatever upon this view of the subject of the course which it becomes us to adopt. I cannot imagine that the House of Commons will think the people of this country are bound by any other feeling in regard to this question than that feeling of moral obligation which ought to influence an individual in private life. I entirely concur in the observation of an ancient philosopher, that there is no distinction between the duties of a country and the duties of a good man; and I call upon every hon. member of the House to answer this question:—Supposing he were conscious that any individual on his estate, or on premises belonging to him, was prac-

tising designs against his neighbour destructive of property or threatening life, what would be the feeling of duty he would at once entertain with reference to such acts, committed under shelter of his roof, or by means of property belonging to him? The answer is most obvious, and that which is unquestionably the duty of a private person is equally the duty of a State. The obligation to your neighbour is not greater in private life than it is in the relations of countries. Therefore it is that, with the conviction of that moral obligation to which none are more alive than the people of England, this Bill has been brought in, in order that we may be able to say to Europe, "We will make no change in our institutions, but if you can point out any defect, we will ascertain if the defect exists, and to preserve those institutions, to render them complete, and to justify them in the face of the world, we will supply the void which is now existing." Is there any degradation in that? Is there any shame or humiliation in acting upon that principle of duty? Why, I agree with the hon. Member for Norfolk (Mr. Bentinck) the shame and humiliation would have attached to those who had not the courage to do what was right, and, feeling what was right, to abide by a sense of duty, notwithstanding even—which is not the fact—they were called upon in a loud or unceremonious manner. There are a very few remarks of the right hon. Gentleman to which, though I am exceedingly unwilling to detain the House longer, I must for a moment advert. My right hon. Friend (Mr. Gladstone) observes that the Bill has not been introduced upon legal but upon political grounds. I trust he will do me the credit to accept my assurance, that although it is perfectly true the occurrence abroad furnished an occasion for considering the question, yet the Bill has been introduced wholly and entirely upon a conviction of the defect of English law, and not to answer any political purpose whatever. My right hon. Friend was particularly triumphant with regard to the speech of my right hon. Friend the Lord Advocate, because he said the Amendment furnished an opportunity of discussing a question wholly independent of the merits of the Bill itself. I must say that if ever there was an assassination of English growth the attempt of the right hon. Gentleman the Member for Ashton to get rid of this Bill upon grounds not at all pertinent to the consideration of the second reading, but very material and pertinent to the introduction of the Bill, may be considered as such. This Bill is sought to be got rid of by a back-blow, by secret stabbing, under the pretence that my right hon. Friend is not intending to do any injury, he at the same time knowing perfectly well that if his Motion succeed the Bill will be thrown out by means of that insidious and secret attack upon it. My right hon. Friend complains that there has been no opportunity of discussing this Amendment, and therefore he has brought it forward. I say that every consideration applicable to the Amendment was entertained by the House on the question of the introduction of the Bill, and I have a verdict of a majority of 200 upon the merits of the question involved in that Amendment. It is impossible that any hon. Gentleman who voted for the introduction of the Bill can vote with any consistency for the Amendment of the right hon. Gentleman. Undoubtedly there are some hon. Members who are so peculiarly constituted that they can vindicate to themselves doing one thing one day and another another. I rather accept the description given of them by the hon. Member for Norfolk, that they are the innocent doves of the right hon. Member for Ashton, and if they are content with that definition they may, undoubtedly, in their innocence reconcile a vote for the introduction of the Bill with a vote to throw it out, precisely on the same grounds, for there is not a single circumstance known to the House on the present occasion which was not known to it on the occasion of the question of leave being given. You had the despatch of Count Walewski before you. You knew very well that no answer had been returned to that despatch. If there be any ground for the Motion of the right hon. Gentleman the Member for Ashton that ground should have been taken by the 200 hon. Gentlemen who gave their support to the measure on that occasion, and they should have said, "Answer the despatch of Count Walewski, and then we will consider the introduction of the Bill." How could we possibly answer the despatch of Count Walewski? Should we have said to that despatch, "There is nothing requiring alteration or amendment in the law of England?" Should we have given a pledge, in answer, that we would appeal to the law of amity as it stands, and institute a prosecution? I have already said that I deprecate, undoubtedly, acting upon that rule. But the way to answer effec-

tually was to say, "We will apply ourselves to the consideration of the law, and, if we find that which is stated, we will make some alteration." Then the despatch of Count Walewski would be answered most thoroughly and effectually, and in the sense in which the right hon. Gentleman the Secretary of State for the Home Department meant it should be answered, by the introduction of this Bill. My right hon. Friend (Mr. M. Gibson) I think resorted to something rather unworthy of him when he played on the words—"whether answered or refuted." I think it unworthy of him to descend to what must be deemed a quibble on words. If the despatch had contained that imputation upon this country which the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole) thought he saw in it, it would have been answered by a most indignant refutation. But if it contained no such thing—if it contained only a suggestion with regard to an infirmity in our institutions, the best answer was a fulfilment at once of the duty we owe to France, and a discharge of ordinary moral obligations, by introducing this Bill to the House of Commons, and stating frankly the reason why it was introduced. I believe I have adverted to the principal topics which were urged by the right hon. Gentleman. Some others were addressed to the House, which I should be glad to go into, but I am unwilling to detain the House; and for another reason, because they can more properly be discussed when the Bill is in Committee—I mean the observations made with regard to the power to be exercised by constables under this Bill, and the limitations requisite to be made to that power. I trust I shall have an opportunity of showing that those observations are founded altogether upon a misapprehension of the state of the law as it is to be administered under the Bill. In conclusion, I can assure the House, the Bill has one object, and one object only, and that is to place the foreign refugee while he is in this country in the same situation with regard to the law in which the British subject now stands. I invite the House to regard the Bill in that light, as an embodiment of that principle only, and as giving effect to that object only. I believe that to be evidently an English object, and to be essential, as I have already observed, to justify what we prize and are determined to maintain—namely, not to endure any interference with regard to the manner in which a refugee shall be treated beyond that he shall be placed in all respects upon the same footing as our own countrymen, and made amenable to the same law to which a British subject is amenable. These are the grounds upon which I humbly trust that this Amendment will be rejected, and the Bill be read a second time.

MR. DISRAELI: As I understand that it is the general wish of the House that we should come to a division to-night, I will request their permission to express, in a very few words, the reasons which induce me to take a course to-night which I believe will be followed by some hon. Gentlemen near me. The hon. and learned Attorney General has told us that he cannot conceive with what consistency hon. Gentlemen who voted for the introduction of the Bill can support the Resolution which has been proposed by the right hon. Gentleman the Member for Ashton. I must say I am totally blind to that inconsistency which the hon and learned Attorney General seems to think so very clear and perceptible. It appears to me there is a very great difference in the circumstances of the two occasions. Ten days ago the question before the House was a question between the Parliament of England and the people and Government of France. I, for one, and a great majority of this House also, sympathized with the people and Government of France under the circumstances which had recently occurred — circumstances which, of all others, would alarm and outrage the feelings of a great nation, and that nation our faithful ally. It was in every sense most impolitic that we should hastily, and in precipitation, show that there was on the part of the House of Commons a want of sympathy with the nation and Government of France in the situation, so difficult and distressing, in which they were then placed. When the Motion for leave to introduce the Bill was carried by so large a majority, what was the declaration which was implied by the vote of many hon. Gentlemen who were in that majority? It was a declaration that, under the circumstances in which the Government of France was then placed, there was an earnest desire on the part of the Parliament of England to show that they sympathized with the Emperor of the French and the French people in the condition in which they were placed. By that vote we proved that we were prepared to consider with all sincerity, and with

anxiety, the state of the law of our own country, as it bore upon incidents such as those which had lately occurred. But, Sir, that vote, carried as it was by a large majority, in no way showed that those Gentlemen who were in the majority upon that occasion agreed with the proposition of the Minister. On the contrary, amongst the hon. Gentlemen who took part in that debate there were many—and I certainly can answer for myself—who treated with no very great respect the proposition of the Government, as being inadequate, or as being unsuited to the occasion ; and they guarded themselves with a reserve which was not only Parliamentary, but which was wise, from any expression of approbation of the Ministerial proposal, and at the same time they spoke in as strong language as they could of the conduct of the Government in not answering that despatch which has been the subject of so much discussion this evening. Well, Sir, if it was the fault of the Government that ten days ago that despatch was not answered, I know not what excuse can be made for the conduct of the Minister if, after the lapse of ten days—when Parliament had generously supported the first reading of the Bill, with a clear intimation which it displayed of the view with which it regarded the laches of the Government in not replying to that missive of the Minister of France — that despatch has not been answered yet. Can it be said that, those ten days having elapsed, hon. Gentlemen who, under previous circumstances, supported the introduction of the Bill, are now prevented from offering any criticism upon the conduct of the Government? Ten days ago many hon. Gentlemen acceded to the proposal of the Government in the most guarded manner, and they did it in that manner because they reserved to themselves the right, upon a future occasion, of expressing their opinions upon the conduct of the Government, and the injurious influence which it has exercised upon the character of England and the general course of events ; but because they did then accede to the introduction of the Bill, does that estop them from opposing its further progress through this House? Why, Sir, if ten days ago it was a question between the Parliament of England and the Government and people of France, that is not the position in which it stands upon the present occasion, and in coming to a vote to-night we have the great advantage that on the previous occasion, by the manner in which the Commons of England agreed to the introduction of the Bill, we proved our sincere sympathy with the French nation, and we displayed a decorous respect for the Emperor of the French. That very circumstance, I think, allows us now to offer our opinions, because now they cannot be misinterpreted, upon the conduct of the British Minister. What ten days ago was a question between the Parliament of England and the people and Government of France has now become a question between the House of Commons and the English Minister. Sir, I myself have heard nothing to-night which throws the slightest light upon that obscure passage in our administration which refers to the reception of Count Walewski's despatch. No Member who has risen from the Treasury bench—and the Treasury bench has been exhausted in the course of this discussion—has offered a single valid reason, or has advanced any satisfactory excuse for the conduct of the Government. There is one circumstance which I do not think has been referred to in the course of this debate, and which I myself was not conscious of when I made some observations upon the subject ten days ago. It appears that the despatch of Count Walewski, which has been the subject of so much discussion, was not merely written to the Ambassador of France in England, according to the usual custom, and by him read to the English Secretary of State who received a copy, but it was published in the *Moniteur* of France, and thus made known to the people of France, and, more than that, like all State papers of great authority that appear in a journal of the high character of the *Moniteur*, it was probably copied into every official journal in Europe, and perused and accepted as authentic by every Cabinet in Europe. Where is the answer, then, to that despatch? What satisfaction can it be to the people of this country, and how can the suspicions of Europe be removed, when this despatch of Count Walewski's appears in the *Moniteur*, when it appears in every accredited organ in Europe, when it is accepted by the diplomacy of every State and by every Cabinet—what satisfaction, I say, can it be if all the information that we receive from the noble Viscount is that some indefinite words are expressed in the salons of the French Ambassador, in which, for aught we know, two men of the world shrugged their shoulders, and thus exchanged a meaning not expressible in

articulate sounds? It is to my mind perfectly inexplicable how Her Majesty's Government could be guilty of the indiscretion of laying that unanswered despatch upon the table of the House of Commons, and of making it the very basis of the legislation which they now propose. Let the House entirely cast from their consideration any thought as to the influence which this debate may have, or which the conduct of this House upon this occasion may have, upon the disposition of the French people or the conduct of the French Government. I do not suppose that, under any circumstances, such a consideration would exercise any undue influence on a British House of Commons, but in the present case it ought to exercise no influence at all. The question which we have to decide to-night is no longer a question of the relations between the two countries, France and England; it is no longer a question of the relations between the Parliament of England and the people of France; but it is solely confined to the responsibility which the Government of England has incurred to those who represent the people of England in this House. The whole circumstance of this despatch is cloaked in mystery, and no Minister of the Crown has yet risen to explain why it has not been answered, or why a despatch printed and circulated in Europe as this has been, and unanswered as it has been, should have been made the ostentatious basis of legislation. The fact alone that those addresses which appeared in the same official organ of the French Government—addresses which excited so much indignation, and so justly excited indignation in this House and among the people of this country—were never disavowed till the 6th of February, when Parliament met upon the 4th, when this Bill was announced, proves to me that Her Majesty's Government, from the first, have acted in a perplexed, a timid, a confused, and unsatisfactory manner, that they totally forgot what was due to their own dignity, that they were never recalled to that self-respect which they ought at once to have displayed till they found that the House of Commons turned round upon them, and demanded that that should be done which the Ministers of England—those to whom the preservation of the honour of their country was intrusted—had failed to accomplish. What confirms me in that opinion is, information which I believe to be correct, that those addresses which have been complained of so much, and which have produced so much mischief, appeared day after day, and yet no notice was taken of them, either by directing the English Ambassador in France to appeal to the French Government, or by an appeal to the French Ambassador in this country, by a Secretary of State; and I maintain that, in this respect, there was negligence on the part of the English Government, occasioned no doubt by perplexity of opinion and timidity of sentiment. I must say, also, that I think that if the Government, instead of allowing this cause of misconception to be day by day repeated, had employed a frank but decisive and friendly tone towards the French Government upon circumstances so calculated to create and foster a misunderstanding between the two countries, the position of the Government of France with regard to removing these causes of misunderstanding would have been greatly facilitated, and we might never have been obliged to enter into these painful and perilous discussions. For myself, had it not been for the inevitable meeting of Parliament, I am perfectly unconscious by what means, considering the course adopted by the Government, a good understanding could have been re-established between the two countries. Let the House remember that, in ninety-nine cases out of every hundred, when there is a quarrel between two States, it is generally occasioned by some blunder of a Ministry. In the present instance I see no reason why this misconception should have occurred if the Government of England had acted with promptitude and firmness — with a spirit ready to assert the dignity of this country, but at the same time calculated to conciliate the feelings of a faithful ally. The House has, I think, expressed to-night what I attempted to express on the first occasion when this subject was brought before us—namely, their deep regret that that despatch was not immediately and adequately answered. The country has, I believe, arrived at that conclusion, and adopted it as one of those general convictions which influence the conduct of the people. I do not think that there is any substantial difference of opinion on that subject. I can hardly credit, at this moment, that even Her Majesty's Government can vindicate, in this respect, the course which they have pursued. Certainly the debate of ten days ago appears

already in this particular to have produced a considerable effect. The right hon. Member for the University (Mr. Gladstone) has traced the gradual change of feeling on the part of Her Majesty's Government as to the necessity of replying to despatches of importance. But to-night we have heard from a Secretary of State that the despatch, which was written a month ago, will be answered when this Bill has passed, but not till then; and therefore another month may elapse, or, for aught we know, the Greek Kalends may be the period for the repartee of the Government. The Secretary of State, in the stern necessity which he now recognizes of replying to that State paper, does not at all agree with the tone which the noble Lord the First Minister took at the beginning of our discussions on this subject; for the noble Lord gave us no idea, whether we looked to the past, the present, or the future, that any answer to this document was either possible or desirable. "What!" said the noble Lord, in scoffing tones, "you think we ought to have settled this question by a high-flown despatch? I think that a despatch was not at all the proper mode of meeting it. In fact," continued the noble Lord, "it was impossible to answer the despatch of the French Minister." These were his very words. "And, therefore," added the noble Lord, "I will give them something substantial," in the shape of a change in our legislation, which they will receive as a great compliment, and which (as the hon. and learned Attorney General told us to-night), was already prepared, and about to be introduced. But if that be the case, as we have just been informed by the hon. and learned Gentleman and by another high legal authority, what a fine answer it would have been to the French Government if, replying to their despatch, Her Majesty's Ministers, making use of that expression of feeling which was becoming, had only concluded their communication by announcing that by the most singular good fortune in the world, or by the most sagacious prescience, they had a measure in contemplation, and ready to be introduced at the next meeting of Parliament, which would anticipate all that the Emperor desired, or all that the law and custom of England would justify? Sir, when we have reached this point in the discussion, and it has become a question whether an English Minister should reply to a despatch from a foreign Government in which the honour of his country is impugned, we are treated by the learned Lord Advocate with scoffing words, in which he tells us our great specific for a difficult diplomatic and political conjuncture was the composition of a "smart despatch." I do not read aright the feelings of this House or of this country if that be in their minds. I do not believe that this House would have been satisfied or pleased with a flippant and lively composition, full of sneers and sarcasms—a form of reply to the French Government which would have offended their self-love without vindicating our honour. We know, Sir, of such despatches. We have had blue-books laid upon our table respecting foreign affairs that were much too full of these productions—lively, brisk compositions, indeed, but not such as assert the dignity of a nation or soothe the wounded feelings of a faithful ally. But, Sir, I am still of opinion that that despatch ought to have been answered by a British Minister, and answered in a spirit worthy of the occasion. I repeat the same sentiment as I expressed when this question was before us at a previous stage. I think it would have been well to have taken that opportunity of asserting the principles of public law, of vindicating international rights, in which all are interested, of appealing to the deep pathos of a nation's dignity, of appealing not merely to the litigious spirit but to the nobler emotions of the French Government,—a course which, had it been pursued with frankness and self-respect, would in my mind have prevented the necessity of this appeal to Parliament and the people. To-night we have really to decide only upon that question. Those who may follow me—if I am followed—may attempt again to rouse the passions or alarm the fears of this House by allusions to possible misconceptions between the two countries. I see no ground for such fears. I think that the vote which we arrived at ten days ago, upon the introduction of this Bill, so far as an expression of feeling by this House can influence opinion on either side of the water, has been perfectly understood and rightly appreciated. I doubt not, that whether it be in France or in England, the real issue to-night will be clearly comprehended. It is not a diplomatic—it is not a political issue; it is, indeed, an issue of the greatest importance, but narrowed to a very small limit. It is a question between this House and the servants of

the Crown. Have they, or have they not, done their duty? I will not enter into a discussion of the merits, or even of the character of the law which they have placed on our table. If the Amendment proposed by the right hon. Gentleman the Member for Ashton-under-Lyne be carried, there will be nothing to prevent us from proceeding to the consideration of this measure; and of this measure I give that same guarded opinion as I have given before. I reserve to myself the right of deciding upon it on its merits. What we have to determine now is, whether the Resolution of the right hon. Gentleman is a just and proper Resolution—whether its allegations are accurate—whether its sentiments are those which this House ought to sanction—whether the regret which we express is not felt by every Englishman, and has not touched the heart of the entire nation. That, Sir, is the issue. I protest against any foreign element being imported into it. Let us decide whether or not the Amendment of the right hon. Gentleman is justified by the circumstances. For my own part, I agree with the right hon. Member for Oxford University, that it is impossible to challenge its accuracy and justice. I think it is expressed in moderate though grave language. I think that in supporting it we are fulfilling a public duty, and that if we carry it we shall accomplish a public benefit.

VISCOUNT PALMERSTON: Sir, I join with the right hon. Gentleman in the exhortation which he addressed to us towards the close of his speech. I exhort the House not to allow their passions to be aroused by the eloquent declamation, but declamation, I must venture to say, devoid of argument, by which the Amendment of the right hon. Gentleman the Member for Ashton has been supported. I repeat, devoid of argument, and I say and contend, that I can prove the truth of my description. I contend that what we have heard has been vague and general declamation. The right hon. Member for Ashton (Mr. Milner Gibson) and the right hon. Member for the University of Oxford (Mr. Gladstone), departing from the subject under consideration, have entered into a long and elaborate attack upon my former conduct when holding the office of Secretary of State for Foreign Affairs. They have taken a review of those past transactions upon which at an earlier period of the night I should have been perfectly prepared to meet them. I will only say to the right hon. Member for Ashton, who appears to have ransacked the files of old newspapers for the purpose of attacking me, that I think it is lucky for him his industry did not take another turn and lead him to ransack the same old newspapers to see what they have said of himself. The right hon. Gentleman might have found that his policy has met with the same condemnation that he has said mine has received. But this I take leave to say, that when the right hon. Gentleman stands forth as the champion of the honour of England and the vindicator of the rights of this country against foreign nations, it is the first time in my life that I have seen him in that character. During the period that he and I have sat in Parliament together, upon every occasion that I can recollect, when the rights of England have been called in question by a foreign country, the right hon. Gentleman has been the advocate of the foreign country against our own, and has turned that eloquence and power of language, with which he always conducts his argument, to prove his own country to be in the wrong and the foreign country in the right. Sir, the policy which the right hon. Gentleman has invariably advocated is a policy of submission—of crouching to every foreign Power with which we have had any differences to discuss; and even when occasion has arisen, when this House has been called upon to furnish the means of national defence, the right hon. Gentleman's voice was sure to be raised to paralyze the arm of the country and deny it those means of defence which were necessary. Why, Sir, I recollect that right hon. Gentleman standing forward on one occasion as the mouthpiece of that small party who in a publication, which I had the honour to read to the House, advocated the submission of this country to any attempt to conquer it on the part of a foreign country, and who said, "What care we if this country should be conquered by a foreign force? If we were conquered by a foreign Power they would allow us to work our mills." [*Cries of* "Question!"] It is the question. I say that at all events the right hon. Gentleman's character to-day has the merit of novelty, for he appears for the first time in my memory as the champion of the honour and dignity of this country. Now, Sir, I tell the right hon. Gentleman that he is as unfortunate on the present occasion as he was wrong on a former occasion.

I really call upon the House calmly to consider the question before it. Aye, Sir, it is not I that have introduced into this debate passionate appeals to the feelings and endeavours to misrepresent the real question which the House has to decide. The question is, whether this House will stultify itself. Of course those who are willing to stultify themselves cannot be expected to acknowledge it. None are so unconscious of stultifying themselves by their conduct as those who actually do so. But I say that this House, which only a few days ago, by a majority of 200, affirmed that it was fitting that the Government should bring in this measure, is now called upon, by an insidious Amendment, to refuse the second reading without any fresh circumstance having arisen to justify the change. The facts of the case remain as they were, and yet a change of opinion is to be produced which will astonish the country and be unintelligible to any one. I say that things are in the same condition. An hon. Friend of mine asks why this argument about not answering the despatch was not urged on the Motion for leave to bring in the Bill. The right hon. Gentleman the Member for the University of Oxford says it was urged and fully put to the House, and yet, in spite of the argument and eloquence we then heard, a majority of 200 voted that the Bill should be brought in, although the miserable pretext that the despatch was not officially answered was urged as usual against the Bill. I take leave to say, that I never heard a proposition fraught with large consequences argued and opposed on such narrow and, I will say, such miserable grounds—grounds, too, so opposed to the real state of the case. Sir, the whole argument that has been used by those who support the Amendment of the right hon. Gentleman is, that this country has been grossly insulted by a despatch written by the French Government to its Ambassador here, and that that insult has not been noticed or resented as it ought to have been. ["No, no!"] But if that is not the ground for opposing the Bill, you have no ground at all. Unless that was a positive insult, which ought to have been resented, there is no pretence for saying that the Government ought to have suspended a measure of expedient legislation. Now, Sir, I deny that the despatch of the French Government was an insult to the country, or that it was in the slightest degree intended as an insult. Hon. Gentlemen who have gone on arguing that this despatch was an insult, can never have read it. I am quite sure that hon. Gentlemen who have formed the opinion that the despatch was an insult, have not taken the trouble to read it. Why, Sir, hon. Members appear to be really of opinion that this despatch imputes to the people of England that they preach and entertain as a doctrine the propriety of assassination. Sir, it does no such thing. There is not a word in that despatch that by any construction is capable of that interpretation. That which the French Government say is this:—That a conspiracy for assassination has been hatched in this country, that the persons have issued from this country for the purpose of carrying into effect that conspiracy, and that the doctrine of assassination has been preached, and avowed as a principle by those persons. And then we are called upon to account why we have not indignantly denied those positions. Why, Sir, could Her Majesty's Government deny those positions? The assertion of the French Government was, that there were some persons in this country who abused the right of asylum. Are they the people of this country? Is it the people of England who enjoy the right of asylum here? Why, it is as plain and clear as words can make it, that the persons alluded to are foreigners who, having received shelter in this country, have abused that right of asylum by proceedings that we must all reprobate. Is that an insult to this country? Is that a reflection upon its people? And then hon. Gentlemen get up and say that assassination is detested in this country, and that we ought not to be accused of sentiments opposed to our own. Why, such sentiments are not imputed to the people of England, and I defy any one who has read that despatch to quote anything that can in the remotest degree support such an imputation. Then, the question is asked why a statement in answer, and adequate to the occasion, was not given. Were we to say that the assertion of the French Government was true—that we were sorry to say that a conspiracy had been hatched in this country, that we were sorry to say that persons had issued from this country to execute it, and that we were sorry that the doctrine of assassination by foreigners had been avowed and preached by foreigners in this country? Was there any great advantage in answering that part of the despatch in the only way in which it could be answered? The despatch of the French Government goes

on to say, that the legislation of this country does not provide an adequate remedy for that offence. My hon. and learned Friend the Attorney General has shown in a detailed manner that that assertion is perfectly true, and that the legislation of the country, as it now stands, does not provide an adequate remedy, as the foreigner is not upon the same footing as British subjects, in regard to the offence to which the complaint relates. Well, what ought to have been our answer to that despatch? Were we to deny what was perfectly true, and assert that the legislation of this country does provide an adequate remedy for this offence, when the Crown lawyers, who were responsible for their advice, said that it did not, or that the doubt was so great, that a foreigner could scarcely be regarded as being on the same footing as a British subject? Then, it is said that the despatch calls upon this country to give up that which has always been its glory—namely, the right of asylum to the fugitives of a foreign country. But what says the despatch? Why, that the French Government prides itself upon maintaining that principle in France, and that France has always given an honourable shelter to persons who have been compelled to leave their own country from political considerations. Upon that point, then, we could only say that we meant to adhere to a principle, which the French Government itself applauded as forming an indisputable element of their own policy, and which they declared that they were not going to alter in consequence of anything that had happened. Then, the right hon. Gentleman says—

> "You say you had in mind the measure as one proper to be brought forward, and why did you not tell the French Government in a formal communication that you had a measure in preparation, stating what that measure was, and that it would be proposed to Parliament as soon as it met?"

Now, Sir, I should like to know what would have been said by these champions of the dignity of Parliament, by these persons who are so jealous of the honour of the country and of the dignity of this House and of the nation, if we had laid upon that table documents by which we had, as it were, forestalled the decision of this House, by which we should have appeared to have negotiated with France a promise to pay which this House, and not the Government, was to fulfil, and to have anticipated in a formal document the decision of Parliament upon a measure of which it was wholly ignorant. I think if we had done that we should have pursued a course which would have been disrespectful to this House, and which might properly have been said to be unconstitutional, and not in accordance with the principles which regulate the Government of this country, Well, then, what would have been this answer, "adequate to the occasion?" Why, it would have been an acknowledgment that the main assertions of the French Government, in regard to facts, were consistent with the truth; it would have been a declaration, which it was hardly necessary to make, that we were not going to propose to Parliament a measure to interfere with the right of asylum; but we could not, with due respect to this House, have told the French Government what was the measure which, upon British grounds, we thought ourselves justified in offering to the acceptance of this House. Why, then, that answer, instead of being adequate to a great occasion and a glorious State paper to be handed down to the remotest posterity, would have been a very meagre and unsatisfactory document indeed, unless we had stated things which were not in conformity with the facts and with truth. If, indeed, this House should, by agreeing to the second reading, affirm the principle of this Bill, we should then have something to say to France. We might then say that, without infringing our own principles, without at all departing from the fundamental doctrines of our constitution and our invariable practice, we had proposed a measure which we trusted would, in some degree, give to the Sovereign of a friendly people the additional security which was desired; but that it was a measure of purely British legislation, that we did not in any degree depart from our own principles, and that it was a measure which would be equally applicable to all the inhabitants of this country, whether natives or foreigners. Sir, I do hope that this House will weigh well the course which the right hon. Gentleman is to-night asking it to adopt. I do hope that we shall not trifle with matters of deep national importance, and that this House will not be persuaded recklessly to run counter to a decision come to so recently, and by so large a majority. It is all very well for hon. Gentlemen to say that they attach the highest importance to the continuance of friendly relations with France. The

right hon. Gentleman the Member for the University of Oxford said that we ought to be friends with all nations, but that he is compelled to admit that peculiar circumstances, geographical position, and national interests all over the world do render a good understanding between ourselves and France more advantageous to both countries than an intimate alliance with any other nation, and that the continuance of that good understanding is, as he well described it, fraught with advantages not merely to the parties concerned, but to the welfare, the peace, and the prosperity of all civilized nations. Sir, it is mighty well for hon. Gentlemen to indulge in these general assertions, but when they come to the point, when a question is proposed to them which must have a direct bearing upon the feelings of the two countries, which must have a direct influence for good or evil upon the alliance not only between the two Governments, but the two nations, then upon the narrowest grounds upon which I ever heard a proposal to this House rested, they are to rush headlong into a course which must have an effect entirely contrary to the policy which, according to the right hon. Gentleman (Mr. Gladstone), we ought to follow, and to reject a measure which on a previous occasion was approved by one of the largest majorities that ever carried a measure in Parliament. I trust that hon. Members will not allow themselves to be led away by the declamation to which they have listened in the course of this debate, but that they will, upon the grounds so ably stated by my hon. and learned Friend the Attorney General, pass to the second reading of the Bill, and not allow it to be set aside by the insidious Amendment of the right hon. Gentleman. Because it is idle to say that you can pass that Amendment to-day, and go back to the Bill to-morrow or on Monday. It is quite plain that if the House, after full deliberation and complete debate, shall prefer the Amendment of the right hon. Gentleman to the proposal that the Bill be now read a second time, but one interpretation can be put upon that result. It will be understood by the world that, during the short time which has elapsed since the last discussion, this House has completely changed the opinion which was expressed in favour of this Bill; that by some extraordinary process of reasoning, by some inexplicable circumstances, an accidental majority has been obtained to-night to reverse the decision which was come to the other evening, not by an accidental majority, not by a surprise, but after full and careful deliberation, and by the sober persuasion of the House, that the measure which we proposed was in conformity with the fundamental principles of our own constitution, and calculated, under the circumstances of the time, to be of essential service in regard to our relations with our great neighbour and ally.

Question put.

The House *divided*:—Ayes 215; Noes 234: Majority 19.

List of the AYES.

Adeane, H. J.
Atherton, W.
Bagshaw, R. J.
Bagwell, J.
Baines, rt. hon. M. T.
Baring, A. H.
Baring, H. B.
Baring, rt. hn. Sir F. T.
Baring, T. G.
Barnard, T.
Bathurst, A. A.
Bentinck, G. W. P.
Bethell, Sir R.
Biddulph, R. M.
Blake, J.
Bland, L. H.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Bowyer, G.
Boyd, J.
Brady, J.
Bramston, T. W.
Brocklehurst, J.
Browne, Lord J. T.
Bruce, Lord E.
Bruce, H. A.
Buckley, Gen.
Bulkeley, Sir R.
Buller, J. W.
Burke, Sir T. J.
Calcraft, J. H.
Campbell, R. J. R.
Castlerosse, Visct.
Cavendish, hon. W.
Cavendish, hon. G.
Cayley, E. S.
Clark, J. J.
Clay, J.
Clifford, C. C.
Clive, G.
Codrington, Gen.
Cogan, W. H. F.
Colebrooke, Sir T. E.
Collier, R. P.
Cowper, rt. hon. W. F.
Coote, Sir C. H.
Cotterell, Sir H. G.
Crossley, F.
Davey, R.
Davie, Sir R. H. F.
Deasy, R.
De Vere, S. E.
Devereux, J. T.
Divett, E.
Dodson, J. G.
Duff, M. E. G.
Dunbar, Sir W.
Duncan, Visct.
Duncombe, hon. A.
Dundas, F.
Dunne, M.
Dutton, hon. R. H.
Ebrington, Visct.
Ellice, rt. hon. E.
Ellice, E.
Ennis, J.
Esmonde, J.
Fagan, W.
Ferguson, Col.
Ferguson, Sir R.
Finlay, A. S.
FitzRoy, rt. hon. H.
Foley, J. H.
Foley, H. J. W.
Foster, W. O.
Fortescue, hon. F. D.
Fortescue, C. S.
Gallwey, Sir W. P.
Gavin, Major
Gifford, Earl of
Glyn, G. G.
Goderich, Visct.
Greaves, E.
Greer, S. M'C.
Gregory, W. H.
Gregson, S.
Grenfell, C. P.
Greville, Col. F.
Gray, Capt.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Earl
Gurdon, B.
Gurney, S.
Hall, rt. hon. Sir B.
Hanbury, R.
Hankey, T.
Hanmer, Sir J.
Harcourt, G. G.
Harris, J. D.
Hartington, Marquess of
Hatchell, J.
Heathcote, hon. G. H.
Heneby, D. O'C.
Heneage, G. F.
Herbert, rt. hon. H. A.
Holland, E.
Howard, hon. C. W. G.

Hughes, W. B.
Ingham, R.
Jermyn, Earl
Jervoise, Sir J. C.
Keating, Sir H. S.
Kendall, N.
Kinglake, J. A.
Labouchere, rt. hon. H.
Langston, J. H.
Langton, H. G.
Legh, G. C.
Levinge, Sir R.
Lewis, rt. hon. Sir G. C.
Lincoln, Earl of
Lowe, rt. hon. R.
Luce, T.
Macarthy, A.
M'Cann, J.
Mackie, J.
Maguire, J. F.
Mangles, C. E.
Marshall, W.
Martin, C. W.
Martin, P. W.
Massey, W. N.
Matheson, A.
Matheson, Sir J.
Mellor, J.
Mills, A.
Mitchell, T. A.
Moncreiff, rt. hon. J.
Morris, D.
Mowbray, J. R.
Newark, Visct.
Norris, J. T.
North, F.
O'Brien, P.
Ogilvy, Sir J.
Osborne, R.
Ossulston, Lord
Paget, C.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Patten, Col. W.
Pease, H.
Perry, Sir T. E.
Philipps, J. H.
Pinney, Col.
Pryse, E. L.
Pritchard, J.
Pugh, D.
Puller, C. W.
Ramsden, Sir J. W.
Rawlinson, Sir H. C.
Raynham, Visct.
Repton, G. W. J.
Richardson, J.
Ridley, G.
Russell, A.
Russell, F. W.
Rust, J.
Schneider, H. W.
Scrope, G. P.
Seymour, H. D.
Smith, M. T.
Smith, rt. hon. R. V.
Smith, Sir F.
Somerville, rt. hn. Sir W.
Spooner, R.
Stafford, Marquess of
Steel, J.
Stuart, Col.
Sturt, N.
Sullivan, M.
Tancred, H. W.
Thornely, T.
Thornhill, W. P.
Tollemache, hon. F. J.
Trueman, C.
Turner, J. A.
Vane, Lord H.
Verney, Sir H.
Villiers, rt. hon. C. P.
Vivian, hon. J. C. W.
Waldron, L.
Walsh, Sir J.
Walter, J.
Warre, J. A.
Weguelin, T. M.
Western, S.
Westhead, J. P. B.
Whatman, J.
Whitbread, S.
Wickham, H. W.
Wigram, L. T.
Williams, M.
Williams, Sir W. F.
Willyams, E. W. B.
Willoughby, Sir H.
Wilson, J.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.
Wood, W.
Woods, H.
Worsley, Lord
Young, A. W.

TELLERS.

Brand, hon. B. W.
Hayter, W. G.

List of the NOES.

Adair, H. E.
Adams, W. H.
Adderley, C. B.
Akroyd, E.
Alcock, T.
Annesley, hon. H.
Archdall, C. M.
Ayrton, A. S.
Baillie, H. J.
Ball, E.
Baring, T.
Barnard, T. T.
Bass, M. T.
Baxter, W. E.
Beach, W. W. B.
Beale, S.
Bective, Earl of
Bennet, P.
Berkeley, hon. H. F.
Blackburn, P.
Boldero, Col.
Bovill, W.
Bramley-Moore, J.
Bridges, Sir B. W.
Bruce, Major
Buchanan, W.
Buller, Sir J. Y.
Bunbury, W. B. M'C.
Bury, Visct.
Byng, hon. G.
Caird, J.
Cairns, H. M'C.
Carden, Sir R. W.
Cardwell, rt. hon. E.
Carnac, Sir J. R.
Cecil, Lord R.
Cheetham, J.
Child, S.
Christy, S.
Clinton, Lord R.
Close, M. C.
Cobbett, J. M.
Cole, hon. H. A.
Collins, T.
Coningham, W.
Conolly, T.
Copeland, W. T.
Corry, rt. hon. H. L.
Cowan, C.
Craufurd, E. H. J.
Crawford, R. W.
Crook, J.
Dalglish, R.
Dalkeith, Earl of
Damer, L. D.
Davison, R.
Deedes, W.
Dent, J. D.
Dillwyn, L. L.
Disraeli, rt. hon. B.
Dobbs, W. C.
Du Cane, C.
Duke, Sir J.
Dunlop, A. M.
Du Pre, C. G.
East, Sir J. B.
Egerton, E. C.
Elcho, Lord
Elmley, Visct.
Elphinstone, Sir J.
Elton, Sir A. H.
Evans, Sir De L.
Evans, T. W.
Ewart, W.
Ewart, J. C.
Ewing, H. E. C.
Farnham, E. B.
Farquhar, Sir M.
Fenwick, H.
Fitzgerald, W. R. S.
Forester, rt. hon. Col.
Forster, C.
Forster, Sir G.
Fox, W. J.
Fraser, Sir W. A.
Galway, Visct.
Gard, R. S.
Garnett, W. J.
Gaskell, J. M.
Gilpin, C.
Gladstone, rt. hon. W.
Graham, rt. hon. Sir J.
Greenall, G.
Greene, J.
Grenfell, C. W.
Griffith, C. D.
Grogan, E.
Hadfield, G.
Hamilton, Lord C.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Capt.
Hardcastle, J. A.
Hardy, G.
Headlam, T. E.
Heathcote, Sir W.
Henley, rt. hon. J. W.
Herbert, rt. hon. S.
Hodgson, W. N.
Holford, R. S.
Hope, A. J. B. B.
Hopwood, J. T.
Horsman, rt. hon. E.
Hotham, Lord
Hume, W. W. F.
Hunt, G. W.
Ingestre, Viscount
Ingram, H.
Johnstone, hon. H. B.
Johnstone, J. J. H.
Jolliffe, Sir W. G. H.
Kelly, Sir F.
Ker, R.
Kerrison, Sir E. C.
Kershaw, J.
King, hon. P. J. L.
King, J. K.
Kinglake, A. W.
Kingscote, R. N. F.
Knatchbull, W. F.
Knatchbull-Hugessen, E
Knight, F. W.
Knox, Col.
Langton, W. G.
Laslett, W.
Laurie, J.
Lennox, Lord A. F.
Lennox, Lord H. G.
Leslie, C. P.
Liddell, hon. H. G.
Lindsay, W. S.
Lisburne, Earl of
Locke, Jno.
Lockhart, A. E.
Lyall, G.
Lygon, hon. F.
Lytton, Sir G. E. L. B.
Macartney, G.
Macaulay, K.
M'Mahon, P.
Malins, R.
Manners, Lord J.
Martin, J.
Maxwell, hon. Col.
Melgund, Visct.
Miles, W.
Miller, T. J.
Miller, S. B.
Moffatt, G.
Montgomery, Sir G.
Morgan, O.
Naas, Lord
Napier, rt. hon. J.
Napier, Sir C.
Newdegate, C. N.
Newport, Visct.
Nicoll, D.
Noel, hon. G. J.
North, Col.
Packe, C. W.
Pakington, rt. hn. Sir J.
Palk, L.
Palmer, R.
Paull, H.
Pechell, Sir G. B.
Peel, Sir R.

Pevensey, Visct.	Thompson, Gen.
Philips, R. N.	Tomline, G.
Pigott, F.	Townsend, J.
Pilkington, J.	Trefusis, hon. C. H. R.
Powell, F. S.	Trelawny, Sir J. S.
Price, W. P.	Trollope, rt. hon. Sir J.
Ricardo, J. L.	Vance, J.
Robertson, P. F.	Vansittart, W.
Roebuck, J. A.	Waddington, H. S.
Roupell, W.	Walcott, Adm.
Russell, Lord J.	Walpole, rt. hon. S. H.
Scholefield, W.	Warren, S.
Sclater-Booth, G.	White, J.
Scott, hon. F.	Whiteside, J.
Seymer, H. K.	Whitmore, H.
Shelley, Sir J. V.	Williams, Col.
Sheridan, H. B.	Williams, W.
Sibthorp, Major	Wise, J. A.
Smith, J. B.	Woodd, B. T.
Smith, A.	Wortley, Major
Smollett, A.	Wyld, J.
Stanhope, J. B.	Windham, Gen.
Stanley, Lord	Wyndham, H.
Stapleton, J.	Wynn, Col.
Stirling, W.	Wynne, rt. hon. J. A.
Stewart, Sir M. R. S.	Wynne, W. W. E.
Sturt, H. G.	Yorke, hon. E. T.
Sykes, Col. W. H.	
Taylor, Col.	TELLERS.
Taylor, S. W.	Bright, J.
Tempest, Lord A. V.	Gibson, T. M.

Words *added*: — Main Question, as amended, put, and *agreed to*.

Resolved,—

That this House hears with much concern that it is alleged that recent attempts upon the life of the Emperor of the French have been devised in England, and expresses its detestation of such guilty enterprises; that this House is ready at all times to assist in remedying any defects in the Criminal Law which, after due investigation, are proved to exist, yet it cannot but regret that Her Majesty's Government, previously to inviting the House to amend the Law of Conspiracy by the Second Reading of this Bill at the present time, has not felt it to be their duty to make some reply to the important Despatch received from the French Government, dated Paris, January 20. 1858, and which has been laid before Parliament.

CHELSEA NEW BRIDGE.

LEAVE.

SIR JOHN SHELLEY moved for leave to introduce a Bill to repeal so much of the Act 9 & 10 *Vict.*, c. 39, as authorized a toll to be taken for foot passengers on the bridge now erecting across the Thames pursuant to such Act.

Motion made, and Question proposed,

"That leave be given to bring in a Bill to repeal so much of the Act of the ninth and tenth years of Victoria, chapter thirty-nine, as authorizes a toll to be taken for Foot Passengers on the Bridge now erecting across the Thames pursuant to such Act."

MR. AYRTON said, he saw no reason why Chelsea Bridge should be treated differently from the other Bridges over the Thames; it was his determination to oppose the introduction of the Bill.

LORD CLAUD HAMILTON said, he considered the Bill a gross breach of public faith, the new Bridge at Chelsea having been erected upon the understanding that the Government loan should be repaid by the very tolls which it was now proposed to abolish. He expected that some Member of the Government would have replied to the Motion of the hon. Member. As however, no Member of the Government seemed anxious to reply, he hoped the discussion would be adjourned.

SIR JOHN SHELLEY said, that when the subject was inquired into, he believed it would be found there was much to be said in favour of the view he took; but after the debate which had taken place, and at that hour of the night, he would, with the permission of the House, renew the discussion another night.

The House adjourned at half-after One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, February 22, 1858.

MINUTES.] 3ª Lady Havelock and Sir H. M. Havelock's Annuities.

THE LAW RELATING TO ALIENS.

OBSERVATIONS.

LORD LYNDHURST inquired of the noble and learned Lord Chief Justice of England whether his attention had been directed to a definition of the Law relating to Aliens laid down by one of the law officers of the Crown in another place?

LORD CAMPBELL said, that he was not aware, when he entered the House, that the question would be put to him by his noble and learned Friend; but, in answer to it, he had to say that his attention had been called to the statement of the law to which his noble and learned Friend had alluded, and it had at once astonished and distressed him. He must deem it a misapprehension—he would not say a misstatement—of the law of England, and it was of the last importance that it should be immediately corrected. If uncorrected, it would hold up this country to foreign nations in the most odious point of view, and would lead aliens living under allegiance to the Queen of this realm

to suppose that they might with impunity commit crimes which would render British subjects amenable to the law. He found that what passed was reported to be as follows——

EARL GRANVILLE interposed, and suggested, with great respect to the noble and learned Lord, that he was out of order.

LORD CAMPBELL said, he would at once give way, as he had no desire to interfere with the communication which the Lord President was about to make to the House; but, at a subsequent part of the evening, he would renew the subject.

RESIGNATION OF MINISTERS.

EARL GRANVILLE: My Lords, I rise for the purpose of making an announcement to the House, for which probably your Lordships are already prepared. It is this—that in consequence of what occurred in another place on Friday, Her Majesty's Ministers have thought that there was no other alternative left open to them than most respectfully to tender their resignations to Her Majesty. Her Majesty has been most graciously pleased to accept those resignations; and I understand that the noble Earl, who is not now in his place, the Earl of Derby, has undertaken the commission of forming a Government. I understand, also, that the noble Earl will think it convenient that there should be an adjournment of the House until the time when those arrangements are made. I understand that the noble Lord will be glad that the adjournment shall be from now until Friday. I am informed by my noble and learned Friend on the woolsack that it will be convenient to suitors that the House should meet tomorrow for judicial business. I think your Lordships will all agree that we should abstain from other public business until the noble Earl is able to take his place. We, in the mean time, are only holding our offices until his arrangements are made.

THE EARL OF MALMESBURY: I have been too long and too well acquainted with the noble Lords opposite to be surprised at the step which they have taken. I have always known them to be men to whom the sense of public duty and the claims of private honour are to all other considerations paramount. I am not surprised, therefore, at the step which Her Majesty's Government have taken in resigning office. I shall not, perhaps, be blamed if I say that I feel a natural and legitimate pleasure in knowing that a nobleman has been called to the councils of the Sovereign whose political opinions are the same as my own; but that satisfaction is exceeded by the feeling that, at no time within my memory, have any political debates in this House been conducted so entirely without acrimony. On this side of the House we have carried on those debates and the divisions following them without any feeling of faction or of personal hostility to Her Majesty's Government. I look back with satisfaction to two periods of great importance and excitement, when we gave our support to Her Majesty's Government. I allude to the Russian war and the rebellion in India. I have only to add that Lord Derby is at this moment employed in fulfilling the commission which has been graciously intrusted to him by Her Majesty, and that it is his wish, as the noble Earl has expressed it, that your Lordships should assent to the adjournment.

THE LAW RELATING TO ALIENS.

OBSERVATIONS RESUMED.

LORD CAMPBELL, resuming, said, that the statement of the law to which allusion had been made was as follows:—

> "The state of the English law I believe to be this, that foreigners are able to do in this country that which your own subjects are unable to do, and that which would be a crime in natural-born British subjects is a matter of impunity in foreigners."

Such was the statement as reported: but he (Lord Campbell) would declare that that was not the law of England, and it was of the last importance that it should be known to the public and to Europe that this was not the law of England. For acts committed within the realm of England there was no difference and no distinction between natural-born subjects and aliens. As long as aliens were in England they were within allegiance to the Queen; they were the subjects of the Queen as long as they remained in this country; and were liable to the same procedure as natural-born British subjects. Whether a person was guilty of high treason, or the lowest offence known to the law, if it were committed in England, no difference existed whether he was an alien or a natural-born subject; and it would be most disastrous if it was to be supposed to be the law of England, that in the case of aliens, owing

allegiance as they did to the Queen, there was no power to make them amenable to the law of England. While aliens lived under the protection of the law of England they were bound to obey, and were liable for any infractions of the laws of England, exactly in the same manner as every other person in the realm; and for any conspiracy they were as liable as any other persons. It would, therefore, be monstrous to proclaim to the world that foreigners who were enjoying the benefits of an asylum in this country might with impunity commit crimes for which English subjects would be liable to punishment. If a foreigner came to this country having committed a crime in his own country we could not punish him by our law, as that would be a proceeding contrary to the law of nations; but for British subjects we could legislate all over the world, and they could be made amenable to our laws for crimes committed anywhere. A foreigner could not be made so amenable; but for any crime committed within the realm of England any foreigner, equally with any English subject, was bound by our laws. He had read with astonishment a statement that it was doubtful whether a conspiracy in this country to murder the Empress of the French, at the time she was on the eve of giving birth to an heir to the throne, would be an offence within the law of England. Any one who conspired to effect a thing *malum in se* was liable to be tried as a conspirator in this country, whether the offender was a foreigner or not. With regard to the Sovereign of a foreign country, it should be recollected that Lord George Gordon was tried for a libel on Marie Antoinette; and if the offence of libel on the fair name of a foreign Sovereign was punishable by law in England, how could it be said that it was no offence to conspire to compass the death of the consort of a foreign Sovereign at the time that she was about to give birth to an heir to the throne? He made these observations without reference to the Bill now pending relating to conspiracies to murder. That Bill did not create any new offence, nor alter the law—it merely altered the punishment inflicted for an existing offence. He viewed the Bill as simply a measure for the amendment of the criminal law, and as such, when it reached that House, he should give it his cordial assent.

THE LORD CHANCELLOR trusted that he might be allowed to say a few words in vindication of his hon. and learned Friend the Attorney General, with whom, however, he should say he had had no communication on this subject; but in his name, and without consulting him, he ventured to say that if his hon. and learned Friend was represented to have said what he was alleged to have said, he must have been misrepresented. It was impossible that he could have said it. He (the Lord Chancellor) thought that he could perceive how the mistake arose. In the very difficult task of reporting debates it might easily happen that a mistake might occur; for undoubtedly if a person, a foreigner, committed a crime abroad, and came to this country, he might do so with impunity, except that he might be subject to extradition under a treaty. That must have been what was said by his hon. and learned Friend; and perhaps it was mixed up with a question which had before arisen as to what was the offence of a British subject murdering a foreigner abroad. The question arose on the case of a man named Azzopardi, who was a British subject, and who was indicted for having murdered a foreigner abroad. A majority of the Judges decided that if a British subject murdered a foreigner abroad he was liable to be tried for that offence in this country. Though he (the Lord Chancellor) was stated to be a party to that decision, and as he was reported to have been so he had no doubt it was the case, yet, on consideration, he felt that there was great difficulty in holding that an Englishman abroad, by murdering a foreigner, violated the law of this land, and could be dealt with by our law. He presumed that the report of the case was quite accurate; but he should have much difficulty in holding now that a prisoner could be found guilty of murder in this country for the murder of a foreigner committed abroad, not in pursuance of any conspiracy concocted or carried on in this country. This was not the proper time or place to discuss that subject, and he only alluded to it for the purpose of stating that it might be on some question of that kind that a misapprehension of his hon. and learned Friend had arisen. He did not regret what had now occurred, for it was of the last importance that it should not go forth to Europe uncontradicted that according to our law aliens could with impunity be guilty of crimes for which British subjects were punishable. He was glad to have had an opportunity of stating his belief that it was impossible that the Attorney General could have said so.

LORD LYNDHURST was understood to say that, with respect to the case to which his noble and learned Friend had alluded, whether the law was so or not, eight Judges, of whom his noble and learned Friend on the woolsack was one, agreed in a decision that he was amenable, and the sentence was executed, and the man hanged.

LORD BROUGHAM agreed with his noble and learned Friend. There could not be the least doubt whatever on the subject —there was not the shadow of a doubt— nor did he believe that there had been any doubt at any time in our legal history— expressed on the point that an alien in this country was as amenable to the municipal law of England as a natural-born subject; and if he was tried, he was proceeded against by the same course of procedure, and was liable to the same punishment and the same penal visitation, as a natural-born subject. Their Lordships, however, were not now discussing what the Attorney General had actually said, but what he was reported to have said. It was well that attention should have been drawn to the subject; but at the same time he must say, that there would be no end to debates in Parliament if their Lordships were, on every paragraph in a newspaper and on every report of what occurred elsewhere, to suffer themselves rashly and habitually to be drawn into discussions of this kind. But the present occasion was an exception, on account of the predicament in which they stood with regard to both countries— one country, he was grieved to say, influenced by the multitude out of doors, and the other influenced in an equal degree by the armed multitude out of doors. Any misrepresentation of the law of England required instant explanation, and an immediate answer ought to be given to any misstatement on that subject. He agreed in the opinion expressed by his noble and learned Friends, and he could not believe that anything like the doctrine attributed to the Attorney General had been ventilated by him.

LORD WENSLEYDALE was understood to concur entirely with his noble and learned Friends. It was impossible to deny that foreigners resident in this country were subject to our laws in all respects as British subjects were. Nevertheless, grave doubts having arisen with regard to the effect of certain of our laws as they at present stood, they ought to be set right. He did not say that his noble and learned Friend the Lord Chief Justice was not right in saying that any persons in this country, conspiring to murder the Emperor of the French or any foreign Sovereign, were guilty of conspiracy; but the punishment was only fine and slight imprisonment; and many cases were not provided for.

LORD ST. LEONARDS said he would not enter into the subject further than to express his entire concurrence in the opinions which had been stated by his noble and learned Friends.

LADY HAVELOCK AND SIR HENRY HAVELOCK'S ANNUITY BILL.

BILL READ 3ª AND PASSED.

LORD PANMURE said, that there was a Bill standing on the paper, about which he apprehended there could be no difference of opinion—namely, the Havelock Annuity Bill. He, however, left the matter in the hands of the noble Earl opposite; but, if there was no objection, he would now move the order of the day for the third reading of the Bill.

THE EARL OF MALMESBURY could see no objection whatever to proceeding with the Bill.

Bill read 3ª, and *passed.*

House adjourned at a quarter to Six o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, February 22, 1858.

MINUTES.] NEW MEMBER SWORN for Northampton County.—Henry Cartwright, esq.

WEXFORD HARBOUR EMBANKMENT BILL.

SECOND READING.

Order for Second Reading read; Motion made and Question proposed "That the Bill be now read a second time."

MR. M'MAHON moved as an Amendment that it be read a second time that day six months, alleging among other grounds that it was calculated to impose a very heavy and very unnecessary expense upon the county of Wexford.

Amendment proposed, To leave out the word "now," and at the end of the Ques-

tion to add the words "upon this day six month."

Question proposed, That the word "now" stand part of the Question.

MR. FITZROY said, he was of opinion that this was a Bill which ought not to be sent before a Select Committee, because it appeared to him to embody the dangerous principle of repudiation.

MR. M'MAHON said, he would consent to the second reading on the understanding that all the clauses in the Bill relating to the liability of the county of Wexford should be struck out in Committee.

MR. GROGAN said, he would assent to the proposition of the hon. Member.

Amendment, by leave, *withdrawn.*

Main Questions put, and *agreed to.*

Bill read 2° and *committed.*

AMEER ALI MOORAD'S CLAIM.

BREACH OF PRIVILEGE.

MR. ROEBUCK: I rise, Sir, to present the Petition of which I gave notice last Friday, and I think it will save the House some trouble if I read the Petition, which consists only of a few lines. The hon. and learned Gentleman then read the Petition. The petitioner (Mr. Edward Lees Coffey, of Sheffield) stated that Isaac Butt, Esq., M.P., in or about the month of July, 1856, entered into a corrupt agreement with the Rajah Ali Moorad Khan, or his agents, the effect of which was that the said Isaac Butt, for a sum of money stipulated to be paid to him, should advocate and prosecute in the House of Commons the claims of his Highness for the recovery of the territory of which he had been deprived by annexation by the East India Company; and that, in pursuance of such corrupt agreement, divers sums of money had been actually paid by the said Ameer Ali Moorad Khan to the said Isaac Butt. The petitioner was advised and believed that if the House should institute an inquiry into the circumstances, it would be found that the said Isaac Butt had been guilty of a breach of privilege of the House, and he therefore prayed that the House would take steps to investigate the allegations in the Petition. The hon. and learned Gentleman then presented the Petition.

Petition of Edward Lees Coffey, stating that Isaac Butt, Esquire, a Member of the House did in 1856 enter into an agreement with His Highness Ameer Ali Moorad Khan or his agents for a sum of money to advocate the claims of His Highness in the House of Commons for the recovery of his territory, and praying for inquiry, *offered.*

Ordered, That the said Petition be printed, for the use of the Members only.

MR. ROEBUCK: I give notice that I will on Friday move for a Select Committee to inquire into the allegations of the Petition.

MR. BUTT: I rise, Sir, to protest against the course suggested by the hon. and learned Member for Sheffield. A charge is publicly made against me which I now denounce as false; and, more than this, I say that I am prepared to prove that it is the result of as vile and unprincipled a conspiracy as was ever brought to bear against a Member of this House. I demand, Sir, from the justice of this House an immediate investigation. Let that investigation be conducted in the way that I would prefer—namely, by a public inquiry at the bar of this House—where, until I vindicate myself, I am content to stand as a criminal, if only the House will permit me to meet my accuser face to face. If the House see an objection to that course (and it is not, of course, for me to choose my tribunal), let a Select Committee now be appointed — because this being a question of privilege, it can take precedence. Let that Select Committee have leave to sit to-morrow, and let it determine the matter. I wish to throw no imputation at all upon the course taken by the hon. and learned Member for Sheffield—the simple question which the House has to determine is whether the charge is true or not—I am not here to accuse my accuser; but on Thursday evening I came down to this House intending, if I should have had the good fortune of having an opportunity of doing so, to take part in the debate. I found in the House a letter from the hon. and learned Member enclosing, fairly enough, a copy of this Petition. On Friday morning I wrote to him a letter (of which I did not make a copy, but the hon. and learned Member, I am sure, can say whether I am stating its contents accurately) to the effect that I had received this Petition, that it had taken me by surprise, that I denied the charge, and that I wished that it should be immediately investigated, inasmuch as it was of so grave a nature, that no Member of the House should allow twenty-four hours to pass without contradicting it, if unfounded. But I also told him that, in order to make my statement

complete, it would be necessary for me to refer to documents and correspondence which were in Dublin, and which I was afraid no person could find but myself. I therefore asked him to defer presenting the Petition for three or four days to give me an opportunity of going to Dublin to obtain the documents, that I might meet the charge. I went further—I told him that as I was writing to him I might add that such a charge, even if fully refuted, must be deeply painful to any man; and that the discussion of it might compromise the case of the Prince whose name had been referred to. "Therefore," I said, "relying on your honour and sense of justice, if you will permit me, I will lay before you a statement of every transaction in which I have taken part in relation to that Prince, and I ask you to defer presenting the Petition until you have read that statement." I do not wish in the slightest degree to complain of the course taken by the hon. and learned Member. I told him at the same time that I was certain that, whatever course he might take, it would be dictated by his sense of public duty. I received from him a letter stating that if I attended in my place to-day I should have an opportunity of hearing the notice which he would give of his intention to move on Friday evening for a Select Committee to investigate the charge. I have no reason to complain of the tone of that letter. In reply to that letter, I said I was sure he would, on reflection, see there was an objection to that course, and that, under whatever disadvantageous circumstances, I must meet such a charge the first moment it came before the public. I stated that I believed I was ready to meet the charge (I am speaking from memory), but he would feel that to make my defence in a public assembly would be a very different affair from making it before a Select Committee, apart from the danger of inaccurately stating the purport of documents of which I was not then in possession. I proposed to leave for Dublin on the morning after the division on Friday evening. To that letter I received no answer, and I waited until half-past four expecting one; and then upon coming down to the House, I found that the hon. and learned Gentleman had not only given notice of his intention to present this Petition, but—if I am correctly informed—that he had stated that he believed in the truth of the allegations contained in it. Under these circumstances all that I ask from this House is justice. I make no appeal to their sympathy, because I know that in addressing the first assemblage of gentlemen in the world such an appeal would be out of place, but I demand of their justice that not one hour—not one moment longer than the rules of the House render necessary—shall this odious charge be kept hanging over my head. Whether you agree that the investigation shall take place at the bar (where I may meet Mr. Coffey face to face) of this House, or whether you refer to a Select Committee, whatever course you take, let it be taken at once. I do not know whether I should be in order in moving that a Committee be now appointed in order to inquire into the truth of this petition. I have spoken to no one on the subject, nor have I canvassed any Member of this House; but I leave my case in the hands of a friend, who I know will do me justice, and who is in possession of full information as to the circumstances of the case. I shall now, Sir, retire from this House; but I feel confident that whatever course the House may take I shall, after a full investigation into the subject, return to my seat without any stain upon my honour, without any other stain upon my reputation than that blot which an accusation of this kind always leaves behind it made against a man circumstanced as I am, however false the charge may be, or however vile the motives in which it may have originated. All that I ask is that not one day, not one hour longer than is absolutely necessary, shall elapse without this charge against me being investigated.

Mr. BUTT then withdrew.

MR. ROEBUCK: It will be in the recollection of the House that when I gave notice of my intention to present this Petition, I intimated that I should move for the appointment of a Committee to inquire into its allegations. On that occasion exception was taken to the course I proposed, and the highest authority in the House suggested the course which I have now pursued; therefore, as far as I am concerned, I am without blame in this respect. Moreover, I stated that I did believe in the allegations of the Petition; for, in bringing such a charge, I was bound to investigate evidence on which the charge was made, and I was bound, as a Member of this House, not to cast an imputation of that description, without having carefully investigated the evidence in which it is founded. I have done so—

MR. BAGWELL: I rise to order. The hon. and learned Gentleman is stating a *primâ facie* case.

MR. SPEAKER: The hon. and learned Gentleman is not entitled to address the House a second time, unless for the purpose of explaining a former statement. I have no doubt, if the hon. and learned Member desires to comply with the request of the hon. and learned Member who has retired, the Committee may at once be appointed.

MR. ROEBUCK: Then, Sir, I move that the Committee of Selection do at once proceed to nominate a Select Committee to inquire into the truth of these allegations.

Motion made and Question proposed,

"That the Committee of Selection do nominate a Select Committee to inquire into the allegations of the said Petition, and to report their opinion thereupon."

MR. FAGAN: I object to the proposition of the hon. and learned Gentleman, and beg to propose, as an Amendment, that this House proceed to appoint the Committee. I object to the interposition of the Committee of Selection, simply on the ground that one or more days must elapse before the Committee can be appointed. I agree with my hon. and learned Friend, that not a single moment should be allowed to pass when a charge like this is hanging over an honourable man, without the House appointing a Committee forthwith. Let the Committee be composed of the most distinguished Members of the House. I am in possession of facts quite sufficient to say that my hon. and learned Friend will come out of the investigation in a most triumphant manner, and that he will be able to prove to the House that a conspiracy of the vilest character is pursuing him at this moment. Sir, there is another reason why the House should forthwith appoint the Committee—namely, that my hon. and learned Friend, in the discharge of his professional duties, must be in Ireland on Monday next. Of course that alone ought to be a justification of the demand made by him. I have sketched out, since I came to this House, the names of those who I think would constitute a proper Committee for the investigation of this matter; and when I read over the names I think the House will see that the honour of one of its Members cannot be entrusted to better hands. The names I suggest are Mr. HENLEY, Lord JOHN MANNERS, Mr. WALPOLE, Sir JAMES GRAHAM, Mr. SIDNEY HERBERT, Mr. BRIGHT, Mr. Serjeant KINGLAKE, Mr. BOUVERIE, General CODRINGTON, Mr. WILSON PATTEN, Mr. DEEDES, and Lord GODERICH. I beg to propose that the petition be referred to a Select Committee; that the Committee be appointed forthwith, and meet to-morrow; and that it shall be an instruction to the Committee to inquire into all the circumstances connected with the Petition; and that the Committee shall continue to sit notwithstanding any adjournment of the House.

MR. ROEBUCK: So far as I am concerned, I at once accede to the proposition of the hon. Gentleman.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House do forthwith appoint a Select Committee to inquire into the allegations of the said Petition," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. T. DUNCOMBE said, he understood that the hon. and learned Member (Mr. Roebuck) had moved that the Petition be printed, for the purpose of guiding the House in its decision as to whether a Committee ought to be appointed or not. They were now putting the cart before the horse. They had ordered the Petition to be printed, and were now proposing the appointment of a Committee. It was customary to print such Petitions for the use of Members only, in order that the House might not fall into the difficulty which occurred in the case of "*Stockdale* v. *Hansard*." If the newspapers published charges which were libellous and made for malicious purposes, they did so on their own responsibility. He did not think it fair that it should be printed with the Votes unless the circulation of it was restricted to Members only, and he did not see the use of printing it at all if they were going to appoint a Committee.

MR. ROEBUCK said, he would at once accede to the Motion of the hon. Member, that the Committee should be appointed to-night. An investigation was all that he wanted. As to printing the Petition, it was simply in accordance with the suggestion of the Speaker that he made the proposal, and if the House saw fit to rescind the order, he saw no reason why it should not.

MR. DISRAELI: Sir, I cannot help feeling that the House is asked to act with

some precipitation. Of course, it must be very painful to any Gentleman to be subject to an accusation of the nature which we have just heard; and it is only fair that such an accusation should meet with as prompt an investigation as possible. But, at the same time, we have certain rules which have been accepted by this House, and which long experience has proved to be very salutary; and I fear that if we were to appoint this Committee on the instant we should be taking a course hardly regular. I think it would be much better to allow it to be appointed by the Committee of Selection. It has been always the custom for the names of those who are nominated to investigate, especially in cases of this nature, to be placed fairly before the House for their consideration and approval; and I should have thought it would be much more agreeable to the hon. Gentleman whose conduct has been impugned that there should not be the appearance of unseemly haste in a matter of this kind. Another point is, the number of Members who should form the Committee. From the hurried manner in which the hon. Gentleman read his Motion, I really do not at this moment know either the number or the names of the Members whom he proposes to appoint. But it appears to me that the tribunal he suggests is inconveniently large, and should be much more limited. It should consist of those Members in whose temper and high character the House, as well as the hon. Gentleman, may have the fullest confidence. Under any circumstances it would, I believe, be better to leave the nomination of this Committee to the Committee of Selection, instead of to an hon. Member who has been indicated to the House as the friend of the hon. Gentleman whose conduct is impugned. I am sure the House will feel it to be the wisest course to follow their usual practice in such cases, and that if the choice of the names are not left to the Committee of Selection, it would be more satisfactory to the hon. Member for Youghal himself that they should at least be placed before the House for due consideration.

SIR GEORGE GREY: This case is brought before the House as a question of privilege; and on that ground alone, I apprehend, no such departure from the ordinary rules of the House can be justified as the nomination of this Committee on the Motion of any independent Member. I quite agree with the right hon. Gentleman (Mr. Disraeli) that it is extremely desirable, excepting under very urgent necessity, that our rules should be adhered to; and I am inclined to think with him that in this instance there is no necessity for departing from them. The House can have but one object—namely, that consistently with the thorough investigation of the charges preferred against the hon. Member, he should have the earliest possible opportunity of vindicating himself. With that view the hon. and learned Member for Sheffield has proposed that the Committee of Selection forthwith nominate a Committee to inquire into the allegations of the petition. If that proposition is agreed to, the Committee of Selection will in the course of this evening or to-morrow morning appoint the Committee. And although, perhaps, the Motion of the hon. Member for Cork (Mr. Fagan) was suggested by an anticipation that the House would not sit for the next few days, and that therefore some delay would be incurred, yet I apprehend that no such delay need take place, because, if nominated to-night or to-morrow morning by the Committee of Selection, the Committee might meet to-morrow and proceed with their inquiry forthwith. It would be decidedly preferable on every account to leave the nomination in the hands of the Committee of Selection, and the House should express its opinion that the Members should not exceed the usual number.

MR. BRIGHT: The course proposed by the right hon. Gentleman opposite (Mr. Disraeli) does not appear to me to be quite consistent with what, if I were in the place of the hon. and learned Member (Mr. Butt), I should think ought to be taken by the House; and the right hon. Baronet the Home Secretary has recommended a course which appears to me just as contrary to rule. He proposes that the Committee of Selection should nominate a number of Gentlemen to act on this Committee, and, as I suppose, that they should proceed with their duty, although this House does not sit to confirm their nomination. That possibly may not be necessary; but it is at least unusual to dispense with it; and it appears to me to be an unusual course that a number of Gentleman should be appointed as a Committee by a Committee of Selection that was never intended to appoint Committees in cases of this kind; and then that Committee should sit, although it has received no confirmation from the House. Now, if

my own name were not included in the list given in by the hon. Member for Cork, I should think the Committee that he has proposed, as far as I heard their names, would be composed of men before whom any Member of this House would be quite satisfied to have his case tried. We have been told that the hon. Member for Youghal, who is concerned most immediately in this matter, is about to leave for Dublin on a professional engagement. Now, I think the House of Commons ought not to allow a moment's delay that might involve him in the unpleasant position that he must go to Ireland on his professional avocations with a charge of this nature hanging over his head. If this House were to meet to-morrow night, and every night this week, it might not matter so much, because to-morrow the whole question might then be settled. But it cannot be settled to-night; and as the case is one of privilege, involving the character and honour of an hon. Member, I would recommend the House not to take the advice of any person, however high his authority, who would interpose one moment's delay between the charge which has been made and that justification which every one of us, I believe, in his heart hopes the hon. and learned Gentleman may establish. As one of those whose names are proposed by the hon. Member for Cork, I would ask of him to excuse me; but, whether I am excused or not, I would certainly urge the House to agree to this Committee, that it may begin to investigate to-morrow and report as soon as possible.

COLONEL WILSON PATTEN believed that if the House devolved the duty of nomination upon the Committee of Selection it would discharge it with impartiality; but he saw an objection to the course suggested by the Secretary of State for the Home Department. It would be the first time that the task of appointing a Committee of this kind had fallen upon the Committee of Selection, without their nomination being afterwards submitted to the judgment of the House. The Committee of Selection were bound to report their proceedings to the House, and could not select any Committee, even on a private Bill, without submitting their choice to its confirmation. He would suggest that, instead of this duty being intrusted to the Committee of Selection, it should be intrusted to the Committee of Elections, which consisted of six Members chosen by the Speaker indifferently from both sides of the House, and which would, perhaps, carry with it more of the public confidence.

LORD ELCHO took it for granted that the feeling of the House was, that justice should be done as soon as possible in this case. The right hon. Gentleman (Sir George Grey) had recommended that the Committee of Selection should appoint this Committee either that night or the following morning; but, as the House would probably adjourn that night for a week or so, many hon. Members would be leaving town immediately, and it would perhaps be very difficult to collect together any Committee which might be thus chosen.

MR. BLAND recommended the House to follow the precedent of the Rochdale Election Committee, in which the House appointed the Committee of Inquiry the very same evening that the allegations were made. The present was not an ordinary case, and therefore ought not to be left to the Committee of Selection. Under these circumstances he pressed upon the House the desirability of nominating the Committee which had been proposed by his hon. Friend the Member for Cork.

MR. NEWDEGATE, who spoke amid loud cries of "Agreed, agreed," recommended that the suggestion of the right hon. Gentleman the Member for Buckinghamshire, backed as it was by the authority of the Home Secretary, should be adopted.

MR. SOTHERON ESTCOURT thought that the question for the House to consider was which mode of appointing the Committee would be fairest to the hon. Member who was the subject of this charge. They had before them three propositions—firstly, the proposal of certain names by an hon. Member who spoke on behalf of the accused, to which the House might—not quite in accordance with precedent, but without any great violation of it—assent; secondly, that the appointment of the Committee should be referred to the Committee of Selection; and, thirdly, that it should be left to the General Committee of Elections. To both of these two last propositions there was the same objection, that neither Committee could report to the House the names which they had selected, which would, in his opinion, be a greater violation of the ordinary precedents and usages of the House than the immediate nomina-

Mr. Bright

tion of the Committee. Every hon. Member must feel that if they were to strain a point at all it ought to be in order to give to the accused party the earliest opportunity of refuting the charges which were made against him. He therefore thought that they would the least violate precedent, and would do the most substantial justice by acceding to the Motion of the hon. Member for Cork.

LORD JOHN MANNERS asked his hon. and gallant Friend (Colonel W. Patten) whether he proposed to refer the Petition itself, or only the nomination of the Committee, to the General Committee of Elections.

MR. FITZROY suggested, that if the matter was referred to the Committee of Selection, that Committee might at once retire, nominate the Committee, and report it to the House. [*Cries of* "No, no!"]

MR. ROEBUCK said, he would withdraw his original Motion.

Amendment and Motion, by leave, *withdrawn.*

MR. SPEAKER then put the Question, "That the House forthwith proceed to appoint a Select Committee."

VISCOUNT PALMERSTON: Before the House proceeds to divide upon this Motion, it is desirable that the hon. Member making the Motion should state again to the House the names of the hon. Members whom he proposes to place on the Committee. It is usual to give notice beforehand, and it will be as well that the list should be read in order that there may be a discretion as to each name.

MR. FAGAN having read the names of the proposed Committee,

LORD JOHN RUSSELL said, he had no objection to offer to the names proposed, but it was generally understood that Members, when appointed, should attend *de die en diem*, and he hoped that hon. Members would consider whether they would be able to do so.

SIR JOHN PAKINGTON thought that the Committee was open to objection on two grounds. In the first place it was more numerous than was customary; and, in the next place, the number of Members was even, so that it was quite possible that it might come to no decision. He moved that the number be reduced to five.

MR. BRIGHT thought that five would not be sufficient. He objected to too much power being vested in the hands of the Chairman, which would be the case if the Committee consisted of only five. He thought that the number should be seven.

SIR JOHN PAKINGTON assented to the proposition of the hon. Gentleman, and withdrew his Motion.

Motion *agreed to.*

Ordered,

That a Select Committee be forthwith appointed to inquire into the allegations of the said Petition. To consist of seven Members.

MR. WALPOLE thought that before they decided upon the names of the Committee, it would be necessary to suspend one of the standing orders, which said that any Member intending to move the appointment of a Select Committee should give one day's notice of the proposed names of such Committee.

On the Question "that Mr. Henley be one of the Members of the said Committee,"

VISCOUNT GODERICH said, that it was quite possible that some hon. Gentlemen whose names were proposed might in a few days no longer be Members of that House. He wished to know what would be the result of such an occurrence?

SIR GEORGE GREY understood that if the name of any hon. Member was agreed to without his objecting to it, he in candour, if not expressly, agreed to serve *de die in diem.*

MR. HENLEY said, that in consequence of the proposition having been suddenly brought to his notice, he had not been able to consider whether he was in a position to serve. Had the matter been brought to his notice earlier he might have been in a position to do so.

Motion made, and Question, "That Mr. Henley be one of the Members of the said Committee," put, and *negatived.*

The next name on the list was that of Lord John Manners.

On his name being put from the Chair,

LORD JOHN MANNERS: I say ditto to my right hon. Friend.

SIR JOHN PAKINGTON thought that the House had now had sufficient proof of the inconvenience of the course which had been adopted, and renewed the suggestion that the nomination of the Committee should be referred to the Committee of Selection.

Mr. SIDNEY HERBERT thought the House had got into a great difficulty. As the House would sit to-morrow to move the new writs, he thought that they had better postpone until then the proceeding with the Committee of Selection.

Motion made, and Question, "That Lord John Manners be one of the Members of the said Committee," put, and *negatived.*

Mr. Walpole's name was then proposed.

Mr. WALPOLE said, he should have been very willing to undertake to serve upon any Committee to which the House thought proper to appoint him, and he would give to it his calm and unfettered judgment. At the same time he felt that since, after the names of the Committee had been mentioned, first one Member and then another had been negatived, he was placed in a difficult position. Not knowing, therefore, the composition of the Committee, he would prefer that the House should not appoint him as one of the Members.

Motion made, and Question, "That Mr. Walpole be one of the Members of the said Committee," put, and *negatived.*

Sir James Graham, Mr. Sidney Herbert, Mr. Bright, Mr. Serjeant Kinglake, Mr. Bouverie, General Codrington, and Colonel Wilson Patten nominated Members of the said Committee.

Power to send for persons, papers, and records; Five to be the quorum.

Petition of Edward Lees Coffey *referred* to the Committee.

Sir HENRY WILLOUGHBY: I beg the House to notice that all the Gentlemen nominated have been taken from the other side.

Mr. ROEBUCK: The Petition which I have presented is about to be referred to this Select Committee. I suppose there must be somebody to take charge of it. Now, I am not very anxious to undertake so disagreeable a task, but, having presented the Petition, I feel bound to present myself to the House.

Sir JAMES GRAHAM said, that in conformity with precedent and the claims of justice, Mr. Butt ought to be at liberty to nominate an hon. Member to attend the Committee on his behalf.

Mr. SPEAKER said, that the House had on former occasions, as the right hon. Baronet had stated, nominated two Members to serve on the Committee for the purpose of conducting the inquiry on either side, but without having a vote.

Mr. FAGAN, on the part of Mr. Butt, named Mr. Serjeant Deasy.

Ordered,—

That Mr. Roebuck and Mr. Serjeant Deasy be appointed to serve upon the said Committee, and to take part in its proceedings, but without the power of voting.

RESIGNATION OF MINISTERS.

Viscount PALMERSTON: I wish, Sir, to make a short statement to the House with respect to the course which Her Majesty's Government have thought it their duty to pursue in consequence of the vote to which this House came on Friday night. I think it can scarcely be necessary for me to say that that vote led Her Majesty's Government to feel that there was only one course which they could pursue with a due regard to their own honour and with a due respect to this House. We therefore, on Saturday, humbly tendered to Her Majesty the resignation of our offices, which Her Majesty was graciously pleased to accept; consequently, we now hold our offices only for the purpose of carrying on the ordinary business of the country until our successors are appointed. Under these circumstances, I am sure the House would feel that it would be inconvenient that we should continue to meet; and therefore, as is usual on such occasions, I venture to propose that this House should adjourn for a few days. I have ascertained by private communication from a noble Lord, who, I believe I may venture to say, is at present engaged in constructing a Government, that it will be convenient that the adjournment should be until Friday next. I therefore propose that the House, at its rising, should adjourn till that day.

Motion *agreed to*; House, at rising, to adjourn till *Friday.*

All Committees to sit, notwithstanding the adjournment of the House.

FOREIGNERS AT MALTA.—QUESTION.

Mr. BOWYER said, he would beg to ask the Secretary of State for the Colonies whether it was true that the Rev. Father Sapetti, a Catholic priest, greatly respected at Malta, having left the island for a temporary purpose, was, on his return, refused permission to land in Malta, and sent in a Government vessel to Italy; and, if so, for what reason and under what circumstances this was done?

Mr. LABOUCHERE said, that the Governor of Malta, like the Governor of Gibraltar, had a summary power of sending any foreigner out of the colony over which he presided upon his own responsibility. The Governor of Malta had thought it right to exercise that power in the case of the individual referred to by the hon. and learned Member. That individual was an Italian priest, who had been resident in

the island of Malta, and during his stay there had been very active in fomenting disturbances, the object of his attacks being the Roman Catholic Bishop of Malta. When, therefore, he left the island, Sir William Reid thought it right, under the circumstances, not to allow him to return.

RATE OF WAGES.—QUESTION.

GENERAL CODRINGTON said, he wished to ask the Under Secretary for War if he can lay on the table of the House any Return of the rate of wages and skilled labour in England and in the Colonies, showing the possibility of Civil Servants being engaged by Staff Officers at the rate of 1*s.* or 1*s.* 6*d.* a day in those places respectively?

SIR JOHN RAMSDEN said, he was not aware of the existence of any such Return.

THE COAL TRADE.—QUESTION.

LORD ADOLPHUS VANE-TEMPEST said, he would beg to ask the First Lord of the Admiralty whether the Government have been made acquainted with the results of the experiments made for the Coal Trade Committee, by Messrs. Longridge, Armstrong, and Richardson, which proved that the Report of Sir Henry De la Beche and Dr. Playfair, in favour of Welsh coal for steam purposes, is based upon error, and which establish the superiority of Northern coal; further, whether the Government, in consequence of these experiments, are prepared to reconsider the Report alluded to, and to institute a fresh inquiry as to which coal is most advantageous for the steam purposes of the Navy?

SIR CHARLES WOOD said, the Report alluded to by the noble Lord had been brought under the consideration of the Admiralty, and was at present under their consideration, and, in his opinion, a further inquiry would be proper.

THE BELFAST RIOTS.

QUESTION.

CAPTAIN ARCHDALL said, he wished to ask the Attorney General for Ireland, or, in his absence, the Chief Secretary, whether any and what measures have been taken by the Irish Government to prosecute —— Loughran, who, as appears by the Report of Messrs. Lynch and Smyth, was the cause of the late Belfast Riots which commenced in July last, the said —— Loughran having, as appears by the said Report, been guilty, with others, of conspiracy to riot?

MR. H. A. HERBERT said that, in rising to answer the question of the hon. and gallant Member, he would beg to adopt the somewhat Irish course of replying by asking him another question—namely, whether he had read the Report in question? because he (Mr. Herbert) had so high an opinion of the hon. and gallant Member's courtesy, that he thought he would not have put the question had he done so. The man Loughran had undoubtedly gone with the mob, and conducted himself in a manner which, but for the interference of the police, would have brought upon him, what he richly deserved, a sound thrashing. The hon. and gallant Member had stated that Loughran was the cause of the Belfast Riots, whereas the Commissioners expressly said they felt that this man's conduct had a very small and unimportant share in causing the riots. Such occurrences, they said, though evanescent, showed the state of the public mind, but had a very small influence upon the causes of the outbreak. He (Mr. Herbert) thought, if his hon. and gallant Friend had read that passage, he would not have stated that his conduct was the cause of the riots. The person in question had been taken up, and fined 40*s.* by the magistrates, and thus received the penalty of his own folly and indiscretion.

EAST INDIA LOAN BILL.

COMMITTEE.

Order for Committee read.

On Motion that Mr. Speaker do leave the Chair,

MR. MANGLES expressed a strong hope that, even after the announcement which had that evening been made by the noble Viscount, the House would permit the Bill to pass through Committee. They would not meet again till Friday, and a further adjournment would then take place in order to allow the new Members of the Government to be re-elected; so that it would be nearly Easter before the measure could be proceeded with. In the meantime it was requisite that the Company should be provided with funds, not only in order to carry on the public service, but in order that it might make those repayments to the Exchequer which he felt sure the new Chancellor, whoever he might be, would be very unwilling to forego.

THE CHANCELLOR OF THE EXCHEQUER said, that of course he should not ask the Committee to discuss the details of

any measure under existing circumstances; but he wished to say that there was a reason for proceeding with this Bill, arising from circumstances affecting the state of the finances of the East India Company. The Committee were aware of the statement which had been previously made. There were certain Army and Navy Estimates which were re-payable by the East India Company, and which it was desirable should be repaid before the end of the financial year, on the 1st April next, in order to prevent any derangement of the finances of this country. If the Company were not able to repay the amount of public money advanced to them, the Estimates would be deranged. He wished the Committee merely to be in possession of these facts, and then they could deal with the Bill as they pleased; but he hoped that the House would accede to the course proposed by the hon. Gentleman.

MR. T. BARING said, that when this Bill passed the second reading it was understood that any details were to be reserved till the Committee. He certainly thought this mode of raising money a very clumsy one, and the general principles of the measure most remarkable. But, if it were perfectly essential for the purposes of carrying on Her Majesty's Government that this money should be raised, of course his objections must yield to that consideration. If, therefore, the hon. and right hon. Gentlemen said that it was necessary for the public service that this measure should pass through Committee, he should not resist the Motion for the Speaker leaving the Chair.

MR. VERNON SMITH said, he hoped the progress of this Bill would not be opposed, as its postponement, would be attended with inconvenience to the public service. The hon. Member for Huntingdon (Mr. T. Baring) had expressed his desire that a discussion should be taken upon the principle of the Bill. He (Mr. Vernon Smith) thought the principle of the measure had been sufficiently discussed upon its introduction; but notice had been given of several Amendments which could not, perhaps, be conveniently discussed under the present circumstances. His right hon. Friend the Member for Portsmouth (Sir F. Baring) had given notice of a Motion for reducing the amount the Company was to be allowed to borrow from £10,000,000 to £8,000,000. To that the Government were willing to assent. He believed, also, that some objection was entertained by one of the hon. Members for the City of London to the 11th Clause, which proposed that subscriptions to loans raised in India might be taken in this country. There was a novel principle involved in that proposition, as the clause would undoubtedly confer upon the East India Company more extensive powers of borrowing than they had hitherto possessed, the same objection existed therefore to its consideration at present. Except with reference to these points he believed no objections existed to the passing of the Bill through Committee; and it would be competent to the hon. Member for Huntingdon to raise any question as to the principle of the measure upon the third reading.

SIR HENRY WILLOUGHBY said, that this Bill had been read a second time without any discussion, on the understanding that a debate on the principle of the measure might be taken on going into Committee; yet they were now asked to assent to this stage of the Bill without sufficient information with regard to its probable effect. He should like to hear from the Chancellor of the Exchequer, or the hon. Member for Guildford (Mr. Mangles) the precise amount of liabilities of every kind to which the revenues of India were at present subject. So far as he could make out, the amount, including charges of all kinds, was from £90,000,000 to £100,000,000. There was a funded debt of, he believed, from £50,000,000 to £60,000,000; there was the charge for stock; there was also a great mass of liabilities on account of railways, besides many other charges. He wished to have some information on this subject before he assented to a Bill which would enable the East India Company to increase their funded debt by one-sixth. The Bill would give the Company the power of raising £10,000,000, and he wished to know whether there was any possibility that the Exchequer of the United Kingdom might be rendered liable to that debt. Supposing that by any accident the interest upon this loan should not be paid, supposing that the Indian revenue should be exhausted, could any claim be made upon the British Exchequer? Judging from the evidence upon the table of the House, there had been a chronic deficiency in the Indian revenue during the last four years. Indeed, he believed that the deficiency for the last year was nearly £2,000,000, and that dur-

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ing the last four years the deficit had amounted to nearly £6,000,000. Parliament was, however, asked to authorize the Company to borrow £10,000,000, and he wished to know how the Company would raise revenues to enable them to pay the interest upon this loan. The revenue of India was principally raised from land tax, salt, and opium; but, under the existing state of things, the larger portion of this revenue could not be collected. He had heard, moreover, on the best authority, that the revenue of India could not sustain any additional charges, and that there could not be a greater fallacy than to suppose that India, like the United Kingdom, could bear an increase of taxation in order to pay the interest of debt. He would certainly be disposed to support the Motion of which the right hon. Member for Portsmouth had given notice, for reducing the loan from £10,000,000 to £8,000,000, but before giving his assent to the Bill, he trusted some explanation would be given upon these points—what was the present state of the Indian revenue—what were the changes on it in the shape of debt of all kinds; and from what revenue it was proposed to meet this additional charge. He wished also to know whether there was a reasonable prospect that the interest upon the loan would be paid, and whether there was a certainty that the revenues of the United Kingdom would not be liable for the amount which might be raised by the East India Company under the authority of this measure.

THE CHANCELLOR OF THE EXCHEQUER said, that as he had already addressed the House, he could not now reply to the questions of the hon. Baronet; but when the Speaker left the chair he hoped to be able to give them a satisfactory answer.

MR. AYRTON thought that, in the present state of the House, and considering also the position of the Governments of this country and of India, it would be most inconvenient to continue a discussion on this subject. The prosecution of the Bill at that moment might, in his opinion, lead to very serious difficulties. The right hon. Member for Buckinghamshire (Mr. Disraeli), although he had spoken in somewhat obscure terms, had seemed to suggest the adoption of a policy totally at variance with that which was pursued by the promoters of this Bill. Now, in whatever terms they might frame the Bill, the fact was the House was called upon to consider whether this country would not be morally responsible for the loan it enabled the East India Company to raise, in the event of any emergency which placed in jeopardy the security for that loan. This question became the more complicated because a change was proposed in the Government of India which would bring that country under the direct supervision of the Crown. It was a matter for grave consideration whether the credit of this country should not be made available instead of the discredit of the East India Company to meet the embarrassments of India. Whatever danger hon. Members thought was likely to arise from mixing up the finances of India and of England, the House should reflect whether the great advantage which such a course would entail did not outweigh the possible danger. The amount to be gained annually in the difference between the rate of interest which would have to be paid by the British Government and that by the East India Company, if formed into a sinking fund, would in fifty years extinguish the whole debt; or the British Government might borrow by annuity for that period at a rate equal to the interest the East India Company would have to pay. The experience of the Turkish loan showed that it was better at once to afford financial aid than to wait until the resources of a country were swallowed up by loans at a ruinous rate, and then have to be content with a diminished security for the aid which the country was ultimately compelled to give. To proceed with the Bill at any time was, he thought, impolitic; but it was extremely inconvenient to do so now, before an opinion was expressed with regard to it by those who were hereafter to undertake the conduct of affairs.

MR. WALPOLE said, it certainly seemed to him that the House was placed in rather a difficult position with regard to this Bill. Hon. Members were called upon to sanction an Indian loan when there really existed no responsible Government. At the same time, considering the statement of the Chancellor of the Exchequer and the Chairman of the Company, that in point of fact there was a public necessity for raising a large sum of money in the present state of India, he thought that the House would act wisely and prudently in acceding so far to the proposal made to them as to go into Committee on the clauses of the Bill. If they did so, however, the lowest amount ought to be taken which would be available for the present emergency, and they ought

not to pass the 11th clause of the Bill, involving as it did an important principle which might give rise to much discussion.

House in Committee.

On the question that the Preamble be postponed,

THE CHANCELLOR OF THE EXCHEQUER: I hope I shall be able to satisfy the Committee that there is a real reason of convenience for proceeding with the Bill at this moment. The course which Her Majesty's present advisers are taking in asking the House to consider the measure is quite disinterested on their part, inasmuch as it does not in any way concern them at present that the Bill should make progress. In quitting office, however, they are desirous not to leave such a deficiency of ways and means as would create an inconvenience to their successors, or render necessary a supplemental Vote and an encroachment on the balances in the Exchequer, which might have to be resorted to if the East India Company are not empowered by raising money on loan to repay the advances which have been made to them by the Exchequer during the course of the present year. The proposal is to authorize the Company, for the service of the Home Government, to raise money, either by debentures or bonds. Such a proposition involves no new principle. From a very early period the East India Company have from time to time been empowered to raise money by bonds in this country, and the raising it by debentures constitutes merely a formal alteration, which makes no difference in point of principle. When they were a trading as well as a governing corporation they raised money on bonds for the purposes of their trade. At that time Parliament thought fit, as it limits the amount borrowed by other trading companies, such as railway companies, to limit the amount which this corporation could raise by their bonds. As soon as the Company ceased to be a trading company, and remained merely a governing body—a subordinate part of the Home Government of India—their position was entirely altered. Nevertheless, the old maxim was thought to apply—namely, that they had not an unlimited power of borrowing in this country for the service of the Indian Government. It was stated by the hon. Member for Guildford (Mr. Mangles), and from communications with the India House I know it to be the fact, that the opinion of counsel has been taken on the point whether, now that they have ceased to be a trading body, there is anything to restrain them from borrowing money in England for the service of the Home Government; and the opinion of counsel is, that there is nothing so to prevent them:—so that in fact, if that opinion be just, there would be no necessity for passing this Bill. But the Government thought, and so advised the Company, that inasmuch as it had been the invariable practice for Parliament to authorize them to borrow on bonds in this country, it would not be expedient to act on the opinion expressed by counsel, and that it would be more respectful to Parliament to ask for their express authority. For that reason the Bill has been introduced. As I said before, the measure involves no new principle whatever. In point of fact the Company have now a power to borrow on bonds, which is not wholly, though it is nearly, exhausted. Therefore, when it is argued that this is a dangerous principle, and that it would involve the British Exchequer, my answer is that the principle is neither new nor dangerous, and that it is perfectly understood with respect to loans contracted by the Company in the London money market. If the Committee wish, I will go through the items of the account which has been framed by the Company, containing an estimate of the probable charges upon the Home Government of India until the end of their next financial year, the 30th of April, 1859, and the means they estimate for meeting these charges. Perhaps, however, it is unnecessary that I should do more than mention the result, which is that there would be a deficit of about £7,500,000. The charges have, I think, been taken on rather a liberal scale, and the probability is, as far as we can judge at present, that the deficiency will be a sum considerably less than £7,500,000. However, in the present state of India it is very difficult to form anything like a close approximation to the truth in framing an estimate; and we will therefore assume that at the end of the Company's financial year, on the 30th of April, 1859, there will probably be a deficiency exceeding £7,000,000. Now, the question arises, how that deficiency is to be met. The hon. Baronet opposite (Sir H. Willoughby) contends that there is danger in authorizing the East India Company to borrow this money, inasmuch as the consequence of such a step may be the creation of a prospective charge upon the Imperial Exchequer.

Sir HENRY WILLOUGHBY: I simply wished to have an assurance from the Government that there was no such danger involved in the measure.

The CHANCELLOR of the EXCHEQUER: My answer to the hon. Baronet is, that there is a charge to a certain amount to be met, and that we must endeavour to meet it in one way or another. It is the duty of Parliament to see that adequate means be provided for the purpose; and we, with that view, propose to enable the East India Company to borrow in the English market, the unlimited power of raising loans in the Native market which they possess being now insufficient. The hon. Baronet wishes further to know what is the exact amount of the present debt of the Government of India? In reply to that question I may state that the gross income derivable from our Indian possessions is about £29,000,000 per annum, and that the stock of the Company—which is a portion of their debt guaranteed by Parliament, but not guaranteed upon the credit of the British Exchequer, the fund out of which the dividends are to be paid not being designated by the Legislature—amounts to £6,000,000.

Mr. WALPOLE: There is a virtual guarantee upon our part in reference to that stock.

The CHANCELLOR of the EXCHEQUER: In the event of the failure of the Indian revenue, the faith of Parliament is no doubt pledged to provide for the payment of the dividends out of the English Exchequer; but there exists no necessity for making a demand upon it until that revenue becomes exhausted. I think, therefore, I am right in saying that there is no direct and primary charge upon the Exchequer of England in connection with this stock. That stock, as I have just stated, amounts to £6,000,000, and is guaranteed at £12,000,000—that is to say, £200 are to be paid for every £100—so that the whole sum may be considered as equivalent to a debt of £12,000,000. Now, the guarantee fund which is to be set off against that debt amounts to about £4,500,000, and we reckon that it will in the course of a few years be as high as £7,000,000. Well, the India debt—in respect of all the three Presidencies—is £50,483,000, and the bond debt about £6,000,000; those various sums in conjunction constituting a total charge of £68,000,000. That is the whole of the present charge upon the revenues of India, and against that is to be set off the guarantee fund. The Committee will therefore see that, comparing the gross debt of India with its annual revenue—which is £29,000,000—the amount is not so considerable as might have been supposed. There is, however, another way of looking at the Indian debt.

Sir HENRY WILLOUGHBY: Are the railway guarantees included in the statement you have just made?

The CHANCELLOR of the EXCHEQUER: No. I am referring to that which is strictly speaking the amount of the debt; and I may add, that what seems to me to be most material with respect to it is not the nominal amount of the capital of the debt, but the annual charge which it imposes. The total annual charge for the Indian debt, according to the last accounts presented to Parliament, which relate to the year ending the 3rd of April, 1856, was as follows:—

Interest on the India debt .	£2,044,318
Interest on the home bond debt	152,017
Dividends to Proprietors of stock	632,089
Total . . .	£2,828,424

Now the gross revenue, as I before said, is £29,000,000, and the net income may be taken at £23,000,000; so that the annual charge for the public debt of India, as it stood in 1856, amounts to about one-eighth of the net revenue; whereas the annual charge for the debt of the United Kingdom is about £28,500,000, or nearly one-half its ordinary revenue. The Committee, therefore, cannot fail to perceive that the debt of India is comparatively light when taken in connection with the revenue which she yields. The statement which I have just made will, I trust, lead the Committee at the conclusion that when the existing revolt in India has been quelled and the country restored to its ordinary condition, the credit of the Indian Government will be in a position to sustain the loan which I now propose. Let us just see what is the present state of the credit of that Government. On the 6th of October, 1853, the Company's Four per Cents were worth in the Indian market 103½ or 103¾. That was before the public works loan was negotiated. Upon the 29th of January, 1857, just previous to the outbreak of the mutiny, the Five per Cents were 99, and the Four per Cents 80, at which price the Indian

Government could borrow at the rate of 5 per cent. If, however, you compare its credit with that of most of the Continental nations, you will find the comparison to be not disadvantageous to the Government of India. The French Three per Cents, for instance, were lately as low as 69, and very many continental Governments find themselves unable to borrow upon more advantageous terms than 4 or 5 per cent. The ordinary interest of money in India is 10 and even 12 per cent, and if the Indian Government can borrow at 5 per cent it is, I think, impossible to contend that their credit is bad. No better test of the soundness of that credit can, I think, be taken than the value of its bonds in the London market. Those bonds are at 4 per cent, and are now at about 25*s.* premium. Exchequer bills are at a rate of interest which is equivalent to £3 16*s.* per cent, and are at about £2 premium. Therefore if the Committee will compare the two scales of credit they cannot fail to perceive that the superiority of the Imperial credit over that of the Government of India is nothing very remarkable. I can therefore entertain no reasonable doubt as to its being able to negotiate its bonds upon fair terms, nor, in my opinion, is there any good ground for calling upon the English Exchequer to give a guarantee for those bonds. It has hitherto been the great boast of the Indian Government that they have been enabled to defray all the expenses connected with their administration; but it cannot with justice be denied that they have always enjoyed the advantage of being backed up by the resources of this country, without which it is clear the Empire of India could not have been maintained for a day. Any one who considers the events of the last six months must be aware that if it had not been in the power of the Imperial Government to send out 40,000 or 50,000 troops the resources of the Company would have been of no avail. It is true that though the number of troops sent out to India has been much larger than usual, the pay and provisioning of those troops is provided for from the Indian treasury. It has been usual for many years for all military expenses and, to some extent, the naval expenses for the defence of India to be paid out of the revenues of India. In the time of Lord North the question was mooted whether the British Government had not a claim to the territorial revenues of India. The East India Company maintained their right to them; while, on the other hand, the Imperial Government contended, and has always consistently maintained, that whatever territory might be acquired by British subjects was acquired to the Crown. That doctrine is recognized by all jurists, and there is not the smallest doubt that the Government was in the right. A compromise, however, was effected by the imposition of what was called a tribute upon the East India Company, and for a series of years that tribute was paid into the British Exchequer. Subsequently, however, the arrangement was altered, and the Company was required to pay over the surplus revenues; but no surplus ever came, and at last the bargain was abandoned. But it has always been held that if the East India Company contributed nothing to the revenues of this country they should be independent of all aid from the Imperial Exchequer. There have been loans from the Government to the East India Company which have been repaid, but I am not aware that there has been any grant of public money from the British Exchequer to the Company or any guarantee of any kind by the Imperial Exchequer to a loan for the Company. I can see no ground for departing from that invariable practice; and I hope the Committee will agree that this Bill is founded upon a just principle, and that, should it be passed, the East India Company will have no difficulty in raising money as they may require it for the wants of their home treasury. The Company, I must observe, do not contemplate an immediate call upon the money market for so large an amount of loan as the Bill mentions. If they raise £2,000,000 or £3,000,000 within the next six months, that is quite as much as they are likely to require; but as circumstances arise they will take £1,000,000 or so in order to defray current expenses, and therefore it is that so wide a margin has been taken in the Bill. Every one will see that it would not be a sufficient justification for calling Parliament together next October or November simply because a Bill was necessary to enable the East India Company to borrow another million; and therefore it is proposed to authorize them to borrow from time to time such sums as may be required for the exigencies of their service. While upon the one hand there is nothing in this Bill which is likely to bring any prospective charge upon the British Exchequer, upon the other

hand it provides the means for raising money at the least practicable cost to the taxpayers of India. It is admitted there is a real want of money which must be supplied by some means or other. If the means proposed are not adopted, what is the alternative? Has any hon. Gentleman anything better to propose? It is clear that the current revenue of the East India Company is insufficient; no argument is needed to prove that the tendency of the late outbreak has been to diminish the resources of the Indian Government, and that the revenue is likely to prove insufficient during the present year. That being so, will the Company be able to borrow sufficiently in India? I understand that the Indian loans are not filling so rapidly as they had previously done, and that a sufficient sum of money cannot be raised in India for the expenses of the present year. What course, then, can the East India Company adopt, except to borrow money in London? If they are not allowed to do that, it only remains that the British Exchequer shall supply the deficiency. He defied any hon. Gentleman to show that there is any other alternative. Either the Company must be authorized to borrow in this country, or the Government must borrow money on their own credit, and pay it over to the Company, or they must impose additional taxes. I do not see the smallest reason for resorting to either of the two latter courses. The reasonable and proper course to pursue appears to me to be so obvious in the present necessarily embarrassed state of the Indian finances that I cannot but believe the Committee will be satisfied with the explanations I have given.

MR. T. BARING said, he was surprised that the right hon. Gentleman had thought it necessary to make so long a speech, considering the state of the House and the position of the Government. The right hon. Gentleman had gone boldly into the whole subject, and had discussed the principles upon which the Bill was framed in so detailed a manner as to render necessary a few remarks in reply. The right hon. Gentleman had enlarged upon the state of the Indian finances, the power to borrow in India at advantageous rates, what the extent of the wants of the country would be, and whether there was any lien on the honour of the nation to come to the rescue of the Indian finances, and meet the Indian engagements. He (Mr. Baring) was not inclined to think very ill of the Indian finances, considering that two years' Indian revenue would nearly pay the whole of the Indian debt. But if it were true that the East India Company could always borrow money in the country upon as good terms as the British Government, how was it they had not been able to obtain money last autumn upon such easy terms? Why did they not raise the rate of interest upon their bonds so as to place them upon a level with the most favoured securities of railroad companies? He believed that question could be easily answered. Such bonds would have interfered with the right hon. Gentleman's own Exchequer bills. He (Mr. Baring) asserted that in times of difficulty the East India Company could not borrow upon advantageous terms. Then, again, as to the amount of loan to be empowered, the right hon. Gentleman had said £7,500,000 would be wanted, but he proposed to give power to raise £10,000,000.

THE CHANCELLOR OF THE EXCHEQUER: The £7,500,000 is an Estimate.

MR. T. BARING replied, that was no doubt an Estimate of the wants of the Company; but the proposition was to give them power to exceed the amount of loans to meet those wants by £2,500,000. He did not object to the minimum amount of £1,000,000 proposed to be always retained, but still it must be remembered that it was £1,000,000 sterling that was an available sum. Then came £1,000,000 to meet the repayment to the Bank of England next October of a loan to that amount. That was quite right; but he believed that loan was made upon the security of the East India Company's bonds given under their former power of borrowing. It was quite true the loan from the Bank must be repaid, but the repayment would bring back those bonds, which would again be available for the Company's uses. Another item of the calculation was £653,000, to meet bonds respecting which notice of payment had been given. That operation might have been avoided if the East India Company had raised their rate of interest so as to keep the bonds afloat upon the market. But still, if that £653,000 should be paid off, the bonds being issued under the Company's old borrowing powers, they would be enabled to raise again that amount of money under those powers. Therefore there was clearly £1,653,000, forming a portion of the old borrowing power of the East India Company, and that amount should be deducted

from the estimated wants of the present year, to be raised by new powers. There would then remain about £6,000,000 necessary to be raised under new powers; but the Bill before the House gave power to borrow no less than £10,000,000, although they would probably only be exercised as far as £8,000,000. Considering the present state of affairs, he thought it was most objectionable that a power to raise £8,000,000, in order to meet wants amounting to £6,000,000, of which about £3,000,000 were repayments to the Chancellor of the Exchequer, should be conferred upon a body of whose composition the House was at present ignorant. It was true a Council of some kind had been announced, but who were to be its members no one could tell. The East India Company would not have the administration of the funds to be raised under this Bill, which would be left in the power of some Board or Secretary of State. But he would ask whether it was reasonable in the present conjuncture to vote power to raise £8,000,000 when £6,000,000 only was required. As the right hon. Gentleman had challenged the Committee to say whether England was to be liable for Indian debt, he (Mr. Baring) could only express a hope that so long as England maintained possession of that empire she would never repudiate the liability which was imposed upon her by that possession. He believed and hoped that so long as India belonged to England there never would be found a Chancellor of the Exchequer, no matter from which side of that House he might proceed, who would not be prepared to provide for the wants of that country. The right hon. Gentleman opposite had, indeed, stated that India was of no value to us, and that it was a matter of indifference to us whether we kept it or not. [The CHANCELLOR of the EXCHEQUER: I never said that.] So long as we maintained possession of India he contended that we were bound by every principle of honesty and policy to see that Indian finance was kept in order. On the ground of economy, as well as of justice, we were bound to do so, because nothing would more tend to the security of that empire than the fact of preserving its finances in a state of regularity and order. Upon this point he would read to the Committee the opinion of Sir Robert Peel in 1842. That right hon. Gentleman said—

"I refer to the state of Indian finance. I am quite aware that there may appear to be no direct and immediate connexion between the finances of India and those of this country; but that would be a superficial view of our relations with India which should omit the consideration of this subject. Depend upon it if the credit of India should become disordered, if some great exertion should become necessary, then the credit of England must be brought forward to its support, and the collateral and indirect effect of disorders in Indian finances would be felt extensively in this country." [3 *Hansard*, lxi. 428.]

He (Mr. Baring) did not believe, under good management, that India need, except in extraordinary times, apply for loans in England or from England; but he was quite sure, when such a case occurred, that England was bound to meet the wants of India and to support her financial credit. Another reason why this should be done was that it was proposed now to destroy the double Government, and to bring India under the more direct control of the Crown. He wished the Committee to attend to what had been said upon this subject by another authority, for whom he had individually great respect—he meant the right hon. Baronet the Member for Halifax (Sir C. Wood). That right hon. Gentleman, on the 3rd of June, 1853, said:—

"The hon. Member for Manchester said the other day, at a meeting at Bristol, on the subject of India, that nothing could be satisfactory except a single government, by means of a Secretary of State. That also is the view of the gentlemen who have associated themselves together for the reform of the Indian Government. Now, we must consider what would be the effect of a change of this description. The Proprietors of India Stock and the Court of Directors will remain a body until 1874, and they will be entitled to receive the dividends upon their stock which are secured upon the territory of India, or to claim to be paid the amount of that stock. They claim to revive as a commercial body, and to carry on their trade with the capital thus reimbursed. The Government on the other hand, would assume the charge and government of India, and the obligations, liabilities, and debts of the East India Company; and I am not sure whether my right hon. Friend the Chancellor of the Exchequer would be pleased to have the debt added to his present obligations; because, although it is true that it is secured on the Indian territory, yet it might be convenient that the same thing should be done for India which we have done for some of our colonies, and that by giving the guarantee of the government a lower rate of interest should be payable on the debt. This has, I see, been already suggested by a noble Lord in another place, and though in the present state of things I should not think of preferring such a request to the Chancellor of the Exchequer, the case would be very different if India was administered as our other dependencies by the Government of this country and in the name of the Crown. I do not believe that this is an insuperable objection, but it is one that requires to be carefully considered before we make any change." [3 *Hansard*, cxxvii. 1142.]

That being so, he maintained that it was the duty of the Government of this country in those moments of exigency to lend its aid to the Government of India towards raising any funds that might be required in the least expensive mode. If they borrowed money on the faith of the Government of England and lent it to the Government of India it would be a simple operation. It would be a safe operation also, and the most economical one. If £8,000,000 were required, why not borrow it in Consols? They would get it at the cheapest rate, and they might lend it to the East India Government on the guarantee of that Government to provide for the annual interest, and at the end of a certain term of years—say five years—annually to redeem £1,000,000 of that stock. He believed that by adopting that course they would show that they duly appreciated the powers of the East Indian resources; the operation would cost this country less probably than any other that could be devised, and he was satisfied that it would be perfectly safe. But if the right hon. Gentleman said that we had nothing to do with Indian finance, that the creditors must look to India, and that he did not attach much importance to retaining India, the consequence would be to compel the Company to borrow on much higher terms than they need otherwise do. The right hon. Gentleman had challenged contradiction to his opinions, but he (Mr. Baring) did not anticipate that they should have been called upon to go into this discussion that evening, and still less that the right hon. Gentleman should have made a speech which in reality invited opposition and called for dissent.

THE CHANCELLOR OF THE EXCHEQUER: I wish to say a few words of explanation. The hon. Gentleman who has just sat down has not fairly represented me. I did not say upon any former occasion that I thought it was a matter of indifference whether India was lost to this country or not. What I stated was, that I entertained serious doubts as to the value of India to this country. I said, and I repeat, that the Exchequer of England does not derive any advantage from the revenue of India; that from the mere sovereignty and government of India we derive no benefit; that whatever benefits we derive from India result from the facilities for our trade, which our sovereignty may be supposed to afford; and that I doubted whether our trade with India was considerably greater in consequence of our sovereignty, than it would be if India consisted of independent States. I expressed a doubt of the supposed value of the possession of our Indian empire; but I added, that having overthrown the Native Governments of India, we have succeeded to the obligations of those Governments, that it is now no longer optional with us whether we will govern India, and that, whether valuable or not, it is necessary for us to maintain the Indian empire, and to make those sacrifices which the maintenance of that empire may require. These are the remarks I made, and I am sorry that they should have been misunderstood.

SIR HENRY WILLOUGHBY said, that the securities which were afforded by the Indian revenue for a loan of this description could not be regarded as very great. That revenue was derived, in a great degree, from the taxes upon opium and salt, one of which yielded £4,000,000, and the other £2,000,000; and it was notorious that both those taxes had been frequently attacked in that House. The same remark applied also to the rental of land. He had heard all the debates on this question, and he believed it was stated, on the occasion of the East India Bill passing through the House, that the instant the Company ceased to have any participation in the rule of India, they might give notice to the Chancellor of the Exchequer to pay them within three years £12,000,000, the amount of the guarantee fund. The right hon. Gentleman seemed to have some misconception as to the Chancellor of the Exchequer's duty to provide that amount in such a case.

THE CHANCELLOR OF THE EXCHEQUER: I stated there was no charge on the British Exchequer. There is no doubt that Parliament is bound to redeem the debt, but nothing is said in the Act as to its being redeemed out of the British Exchequer.

SIR HENRY WILLOUGHBY: All I mean to say is, you will be obliged to find the £12,000,000 in hard cash if the Company, on being deprived of a share in the Government of India, should demand payment.

THE CHANCELLOR OF THE EXCHEQUER said, Sir Charles Grant, during the debate on the Act, in reply to the question—"Is this country to be answerable for the payment?" from Sir Robert Peel, said, that the revenues of this country would be totally unaffected by the Act, and that it only gave the

security of the territorial revenue of India. He could assure the hon. Baronet that he had looked carefully through the whole of the Act, and that it did not impose a single charge upon the revenues of this country.

SIR FRANCIS BARING deprecated any further discussion in the absence of a responsible Government of the general question of Indian finance. At the same time he begged to say, that he could not withdraw the opinion which he had stated on a previous occasion—namely, that if the Indian Exchequer failed, the amount would have to be made good out of the British Exchequer. In common honesty that would have to be done.

MR. W. WILLIAMS could not understand on what principle the taxpayers of this country were to be made liable for the repayment of a loan to the East India Company. The Chancellor of the Exchequer might as well ask him (Mr. Williams) to pay the right hon. Gentleman's debts, as ask the English taxpayers to make good a loan to the East India Government.

MR. VERNON SMITH said, no doubt there was considerable inconvenience in raising, at the present moment, any large question respecting Indian finance; but the fault certainly did not lie with the Chancellor of the Exchequer so much as with the hon. Baronet the Member for Evesham (Sir H. Willoughby) who had asked a series of questions which his right hon. Friend was obliged to answer. He thought his right hon. Friend had very clearly shown that if the Indian revenue should fail, the Imperial revenue would not necessarily become bound to repay the loan. They might, no doubt, limit the liability to repay a public loan to the revenues of a particular portion of the empire, as was done every day with regard to the colonies; for instance, a great deal of money had been raised at £6 per cent upon the revenues of Canada, and there was no reason why India should not be capable of raising money in the same way for Indian purposes. But if the whole revenue of India should be lost, this country would no more become morally liable to reimburse the lenders of the present loan if it was in the hands of the Crown, than it would if it was held in trust by the Company.

MR. CRAWFORD referred to the 13th section of the 3rd and 4th *Will. IV.*, chap. 85, in support of his opinion (notwithstanding the observations of the Chancellor of the Exchequer) that the Imperial revenues were answerable for the payment of the amount secured to the East India Company.

MR. AYRTON said, East India stock was a primary charge upon the revenues of India, and was further secured by the guarantee fund, which provided for the payment of the East India dividends if the revenues of India should not be sufficient for that purpose. There could be no doubt that if Parliament took out of the hands of the Company the government of India, Parliament would become responsible for the repayment of the capital of the Company, if demanded by the Company within a year, wholly irrespective of the Indian revenues. But that in truth was not a serious liability, because East India stock at present was at a very large premium, about £220; but the Government was only liable to pay £200 for every £100. It would, therefore, be a considerable loss to the Proprietors of East India Stock to be repaid their capital. If the Company should fail to demand repayment of their stock within the first year of their deprivation by Parliament of the government of India, it need not be redeemed until Parliament chose at any time after 1874; but whenever notice was given to Parliament by the Company to redeem, the amount would have to be made good by the British Exchequer, whether there were Indian revenues or not. He objected to the interest of the Indian loans being paid in this country, because it tended to encourage holding the Indian loans in this country, whereby India, which would have to furnish that interest, would lose the benefit of the expenditure. The East India Company might, under the provisions of the Act of 1833 pay the Proprietors of East India Stock their dividends out of their guarantee a fund that was yielding only £3 per cent, and thus save themselves the trouble of going into the market to borrow money at £4 or £4 10*s.* per cent. He protested against this Bill being further proceeded with in the absence of a responsible Government.

THE CHANCELLOR OF THE EXCHEQUER reiterated his opinion that no charge was made by Act of Parliament upon the British Exchequer for the redemption of the stock of the East India Company. The words of the clause were these:—

"That if the Company shall at the expiration of the term hereby granted be deprived of the possession or government of the said territories, if shall be lawful for the Company within one year after such deprivation to demand a redemption of

the said dividends, and provision shall be made for redeeming the said dividends."

With regard to the law of the case, then, there could be no question; and now with regard to its equity. The East India Proprietors were at present paid out of the Indian revenues, on which their dividends were a primary charge. Their stock was now at a considerable premium, and they would, therefore, be considerable losers by being repaid their stock. This Bill was drawn exactly in the form adopted in the case of Bills for enabling the Imperial Government to borrow India bonds corresponding to Exchequer bills; that was to say, they bore a certain annual interest, and were payable upon a notice either of a year or of six months. India bonds were payable upon a notice of a year, and bore 4 per cent interest. But the debentures which he proposed to give the East India Company the power of issuing, if the state of the market rendered them more profitable than bonds, corresponded to what the Act called Exchequer bonds, which were borrowed for a fixed interest for a term of years, and which, at the expiration of that term, Parliament was liable to pay. Under this Bill there was a fixed sum up to which the Company could borrow on debentures, and when the time for which they were to run had expired, there was a distinct power under the statute to reissue them, provided the entire amount did not exceed the prescribed limit.

MR. NEWDEGATE said, the right hon. Gentleman had this matter very much in his own hands. If he understood the question rightly, the East India Company were his debtors. The right hon. Gentleman, as their creditor, might re-demand his advances. Therefore, this was the only way for the right hon. Gentleman to provide for the demands that would be made, or for the debts that would be incurred. But he (Mr. Newdegate) thought it would be far better and wiser that the credit of this country should be used to indemnify the right hon. Gentleman for those advances in some other manner, because it appeared to him that this would be a most expensive way to repay the Exchequer. If this demand were withheld, the money could be obtained in a better and more economical manner than the proposed round-about process. The right hon. Gentleman said that the revenues of the East India territory would be primarily liable to this charge. Well, grant it; but if the East India Company should be deprived of its share of the government of India—and he sincerely hoped that that event would not take place—the question of liability would assume a different phase altogether. It was very true that the charge under this Bill would be a primary one on the revenues of India. But what matter? There was very little prospect under the proposed arrangement regarding India that the revenues would be much more than adequate to meet the expenses of the Government. The question would come back again whether the Imperial Government would be at all liable to this charge? If Her Majesty's Ministers undertook the government of India they must provide for the expenses of India, and the demands that would be made under the Bill. Then, in the event of the revenues of India being inadequate to meet those loans, Parliament would be obliged to supply the deficit. It appeared to him, considering the present peculiar circumstances of the Government, that it was very inconvenient for Her Majesty's Ministers to press forward this demand. According to the suggestion of his hon. Friend the Member for Huntingdon, and the known liabilities of the Company, he thought the Government should not urge on this Bill at the present moment.

MR. MANGLES said, the question who was to redeem was not very germane to the subject of the present Bill; and he regretted the Committee had wandered so far from the subject. The matter now before the House was really a matter of necessity. If the Committee wished to bring the machinery of the Indian Government to a stop, let them refuse this Bill, because, after a certain time their funds would be exhausted. At the present time they were not able to get any remittances from India; and they expected none. When the cash-box was exhausted they must stop, unless means were provided for them to go on with. He was sure no Member of the House would wish that. This was not a party question. He was afraid if the Bill did not pass through Committee that night, it might, in the present situation of affairs, be thrown over till after Easter, when all their funds would be exhausted. He hoped, under these circumstances, the Committee would pass the Bill, instead of discussing Acts of Parliament which passed in 1833, as to how the stock was to be paid off.

After a few words from Mr. LINDSAY and Mr. GREGSON, preamble postponed.

Clause 1, empowering the Company to raise (£) by way of loan.

THE CHANCELLOR OF THE EXCHEQUER proposed to fill up the blank with £8,000,000.

MR. LINDSAY said, that the Chancellor of the Exchequer had given the Committee to understand that not more than two or three millions would be required for the next six months. He thought, therefore, that the sum of £8,000,000 should be reduced to £2,000,000, which would suffice for three months. In three months' time they would know who were their Ministers, and whether the India Bill was to be proceeded with. If the affairs of India were to be managed by the Imperial Government, the Imperial Parliament would be responsible for its finances. The hon. Gentleman then moved that the amount be reduced to £2,000,000.

MR. MANGLES said, that the sum proposed by the hon. Member would not be sufficient to meet the requirements of the Company.

THE CHANCELLOR OF THE EXCHEQUER hoped the Amendment would not be persisted in. It was nothing new to give the East India Company power to borrow in this country. Under the existing Acts they were authorized to borrow to the extent of £7,000,000, and that power had not been entirely exhausted. It was not intended to raise the entire sum provided for by this Bill at once, but it was desirable that the power should exist, to obviate the necessity of coming to Parliament for further powers.

Amendment negatived, £8,000,000 inserted. Clause *agreed to;* as were the remaining Clauses.

House resumed. Bill *reported;* as amended, to be considered on *Friday.*

House adjourned at a Quarter before Nine o'clock till *Friday.*

*** *On the next Page is a* LIST OF THE MINISTRY *formed by the Right Hon. the* EARL OF DERBY.

THE CABINET.

First Lord of the Treasury	Right Hon. Earl of Derby.
Lord Chancellor	Right Hon. Lord Chelmsford.
President of the Council	Most Hon. Marquess of Salisbury.
Lord Privy Seal	Right Hon. Earl of Hardwicke.
Home Secretary	Right Hon. Spencer Horatio Walpole.
Foreign Secretary	Right Hon. Earl of Malmesbury.
Colonial Secretary	Right Hon. Lord Stanley.
War Secretary	Right Hon. Jonathan Peel.
Chancellor of the Exchequer	Right Hon. Benjamin Disraeli.
First Lord of the Admiralty	Right Hon. Sir John Somerset Pakington, Bt.
President of the Board of Control	Right Hon. Earl of Ellenborough.
President of the Board of Trade	Right Hon. Joseph Warner Henley.
First Commissioner of Works and Public Buildings	Right Hon. Lord John James Robert Manners.

NOT IN THE CABINET.

General Commanding-in-Chief	H.R.H. Duke of Cambridge.
Chancellor of the Duchy of Lancaster	His Grace the Duke of Montrose.
Postmaster General	Right Hon. Lord Colchester.
Paymaster of the Forces, and Vice-President of the Board of Trade	Right Hon. Earl of Donoughmore.
President of the Board of Health and Vice President of the Committee of Privy Council for Education	Right Hon. Charles Bowyer Adderley.
Chief Commissioner of the Poor Law	Right Hon. John Thomas Henry Sutton Sotheron Estcourt.
Lords of the Treasury	Lord Henry George Charles Gordon Lennox, Colonel Thomas Edward Taylor, and Henry Whitmore, Esq.
Lords of the Admiralty	Vice Admiral William Fanshawe Martin, Vice Admiral the Hon. Sir Richard Saunders Dundas, K.C.B., Rear Admiral Alexander Milne, Captain the Hon. James Robert Drummond, C.B., and Lord Lovaine.
Joint Secretaries of the Treasury	Sir William Jolliffe, Bt., and George Alexander Hamilton, Esq.
Secretary of the Admiralty	Right Hon. Henry Thomas Lowry Corry.
Secretary of the Board of Control	Henry James Baillie, Esq.
Secretary to the Poor Law Commissioners	Frederick Winn Knight, Esq.
Under Secretary for the Home Department	Gathorne Hardy, Esq.
Under Secretary for Foreign Affairs	William Robert Seymour Vesey FitzGerald, Esq.
Under Secretary for the Colonies	Right Hon. Earl of Carnarvon.
Under Secretary for War	Right Hon. Viscount Hardinge.
Attorney General	Sir FitzRoy Kelly, Knt.
Solicitor General	Sir Hugh M'Calmont Cairns, Knt.
Judge Advocate General	Robert John Mowbray, Esq.

SCOTLAND.

Lord Advocate	Right Hon. John Inglis.
Solicitor General	Charles Baillie, Esq.

IRELAND.

Lord Lieutenant	Right Hon. Earl of Eglinton.
Lord Chancellor	Right Hon. Joseph Napier.
Chief Secretary	Right Hon. Lord Naas.
Attorney General	Right Hon. James Whiteside.
Solicitor General	Edmund Hayes, Esq.

QUEEN'S HOUSEHOLD.

Lord Steward	Most Hon. Marquess of Exeter,
Lord Chamberlain	Earl De la Warr.
Master of the Horse	His Grace the Duke of Beaufort.
Master of the Buckhounds	Right Hon. Earl of Sandwich.
Vice Chamberlain of the Household	Right Hon. Lord Viscount Newport.
Treasurer of the Household	Right Hon. Lord Claud Hamilton.
Controller of the Household	Right Hon. George Cecil Weld Forester.
Captain of the Corps of Gentlemen at Arms	Right Hon. Earl Talbot.
Captain of the Yeoman of the Guard	Right Hon. Lord de Ros.
Chief Equerry and Clerk Marshal	Right Hon. Lord Colville of Culross.
Mistress of the Robes	Duchess of Manchester.

APPENDIX.

PETITION OF THE EAST INDIA COMPANY.

To the Right Honourable the Lords Spiritual and Temporal, and the Honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled,

HUMBLY SHEWETH,

That your Petitioners, at their own expense, and by the agency of their own civil and military servants, originally acquired for this country its magnificent empire in the East.

That the foundations of this empire were laid by your Petitioners, at that time neither aided nor controlled by Parliament, at the same period at which a succession of administrations under the control of Parliament were losing to the Crown of Great Britain another great empire on the opposite side of the Atlantic.

That during the period of about a century which has since elapsed, the Indian possessions of this country have been governed and defended from the resources of those possessions, without the smallest cost to the British Exchequer, which, to the best of your Petitioners' knowledge and belief, cannot be said of any other of the numerous foreign dependencies of the Crown.

That it being manifestly improper that the administration of any British possession should be independent of the general Government of the empire, Parliament provided, in 1783, that a department of the Imperial Government should have full cognizance of, and power of control over, the acts of your Petitioners in the administration of India; since which time the home branch of the Indian Government has been conducted by the joint counsels, and on the joint responsibility of your Petitioners and of a Minister of the Crown.

That this arrangement has at subsequent periods undergone reconsideration from the Legislature, and various comprehensive and careful Parliamentary inquiries have been made into its practical operation; the result of which has been, on each occasion, a renewed grant to your Petitioners of the powers exercised by them in the administration of India.

That the last of these occasions was so recent as 1853, in which year the arrangements which had existed for nearly three-quarters of a century, were, with certain modifications, re-enacted, and still subsist.

That, notwithstanding, your Petitioners have received an intimation from Her Majesty's Ministers of their intention to propose to Parliament a Bill for the purpose of placing the government of Her Majesty's East Indian dominions under the direct authority of the Crown—a change necessarily involving the abolition of the East India Company as an instrument of government.

That your Petitioners have not been informed of the reasons which have induced Her Majesty's Ministers, without any previous inquiry, to come to the resolution of putting an end to a system of administration, which Parliament, after inquiry, deliberately confirmed and sanctioned less than five years ago, and which, in its modified form, has not been in operation quite four years, and cannot be considered to have undergone a sufficient trial during that short period.

That your Petitioners do not understand that Her Majesty's Ministers impute any failure to those arrangements, or bring any charge, either great or small, against your Petitioners. But the time at which the proposal is made, compels your Petitioners to regard it as arising from the calamitous events which have recently occurred in India.

That your Petitioners challenge the most searching investigation into the mutiny of the Bengal army, and the causes, whether remote or immediate, which produced that mutiny. They have instructed the Government of India to appoint a commission for conducting such an inquiry on the spot. And it is their most anxious wish that a similar inquiry may be instituted in this country by your [Lordships'] Honourable House; in order that it may be ascertained whether anything either in the constitution of the Home Government of India, or in the conduct of those by whom it has been administered, has had any share in producing the mutiny, or has in any way impeded the measures for its suppression; and whether the mutiny itself, or any circumstance connected with it, affords any evidence of the failure of the arrangements under which India is at present administered.

That, were it even true that these arrangements had failed, the failure could constitute no reason for divesting the East India Company of its functions, and transferring them to Her Majesty's Government. For, under the existing system, Her Majesty's Government have the deciding voice. The duty imposed upon the Court of Directors is to originate measures and frame drafts of instructions. Even had they been remiss in this duty, their remissness, however discreditable to themselves, could in no way absolve the responsibility of Her Majesty's Government, since the Minister for India possesses, and has frequently exercised, the power of requiring that the Court of Directors should take any subject into consideration, and prepare a draft despatch for his approval. Her Majesty's Government are thus in the fullest sense accountable for all that

has been done, and for all that has been forborne or omitted to be done. Your Petitioners, on the other hand, are accountable only in so far as the act or omission has been promoted by themselves.

That, under these circumstances, if the administration of India had been a failure, it would, your Petitioners submit, have been somewhat unreasonable to expect that a remedy would be found in annihilating the branch of the ruling authority which could not be the one principally in fault, and might be altogether blameless, in order to concentrate all powers in the branch which had necessarily the decisive share in every error, real or supposed. To believe that the administration of India would have been more free from error had it been conducted by a Minister of the Crown without the aid of the Court of Directors, would be to believe that the Minister, with full power to govern India as he pleased, has governed ill because he has had the assistance of experienced and responsible advisers.

That your Petitioners, however, do not seek to vindicate themselves at the expense of any other authority. They claim their full share of the responsibility of the manner in which India has practically been governed. That responsibility is to them not a subject of humiliation, but of pride. They are conscious that their advice and initiative have been, and have deserved to be, a great and potent element in the conduct of affairs in India. And they feel complete assurance that the more attention is bestowed and the more light thrown upon India and its administration, the more evident it will become that the government in which they have borne a part has been not only one of the purest in intention, but one of the most beneficent in act, ever known among mankind; that, during the last and present generation in particular, it has been, in all departments, one of the most rapidly improving governments in the world; and that, at the time when this change is proposed, a greater number of important improvevements are in a state of more rapid progress than at any former period. And they are satisfied that whatever further improvements may be hereafter effected in India can only consist in the development of germs already planted, and in building on foundations already laid, under their authority, and in a great measure by their express instructions.

That such, however, is not the impression likely to be made on the public mind, either in England, or in India, by the ejection of your Petitioners from the place they fill in the Indian administration. It is not usual with statesmen to propose the complete abolition of a system of government, of which the practical operation is not condemned, and it might be generally inferred from the proposed measures, if carried into effect at the present time, that the East India Company, having been intrusted with an important portion of the administration of India, have so abused their trust as to have produced a sanguinary insurrection, and nearly lost India to the British empire; and that having thus crowned a long career of misgovernment, they have, in deference to public indignation, been deservedly cashiered for their misconduct.

That if the character of the East India Company were alone concerned, your Petitioners might be willing to await the verdict of history. They are satisfied that posterity will do them justice. And they are confident that even now justice is done to them in the minds, not only of Her Majesty's Ministers, but of all who have any claim to be competent judges of the subject. But though your Petitioners could afford to wait for the reversal of the verdict of condemnation which will be believed throughout the world to have been passed on them and their government by the British nation, your Petitioners cannot look without the deepest uneasiness at the effect likely to be produced on the minds of the people of India. To them, however incorrectly the name may express the fact, the British Government in India is the Government of the East India Company. To their minds the abolition of the Company will, for some time to come, mean the abolition of the whole system of administration with which the Company is identified. The measure, introduced simultaneously with the influx of an overwhelming British force, will be coincident with a general outcry, in itself most alarming to their fears, from most of the organs of opinion in this country as well as of English opinion in India, denouncing the past policy of the Government on the express ground that it has been too forbearing and too considerate towards the Natives. The people of India will at first feel no certainty that the new Government, or the Government under a new name, which it is proposed to introduce, will hold itself bound by the pledges of its predecessors. They will be slow to believe that a Government has been destroyed only to be followed by another which will act on the same principles and adhere to the same measures. They cannot suppose that the existing organ of administration would be swept away without the intention of reversing any part of its policy. They will see the authorities, both at home and in India, surrounded by persons vehemently urging radical changes in many parts of that policy. And interpreting, as they must do, the change in the instrument of government, as a concession to these opinions and feelings, they can hardly fail to believe that, whatever else may be intended, the Government will no longer be permitted to observe that strict impartiality between those who profess its own creed and those who hold the creeds of its native subjects which hitherto characterized it; that their strongest and most deeply-rooted feelings will henceforth be treated with much less regard than heretofore; and that a directly aggressive policy towards everything in their habits, or in their usages and customs, which Englishmen deem objectionable, will be no longer confined to individuals and private associations, but will be backed by all the power of Government.

And here your Petitioners think it important to observe, that in abstaining as they have done from all interference with any of the religious practices of the people of India, except such as are abhorrent to humanity, they have acted not only from their own conviction of what is just and expedient, but in accordance with the avowed intentions and express enactments of the Legislature, framed "in order that regard should be had to the civil and religious usages of the Natives," and also "that suits, civil or criminal, against the Natives," should be conducted according to such rules "as may accommodate the same to the religion and manners of the Natives." That their policy in this respect has been successful, is evidenced by the fact, that during a military mutiny, said to have been caused by unfounded apprehen-

sions of danger to religion, the heads of the Native states, and the masses of the population, have remained faithful to the British Government. Your Petitioners need hardly observe how very different would probably have been the issue of the late events, if the Native princes, instead of aiding in the suppression of the rebellion, had put themselves at its head, or if the general population had joined in the revolt; and how probable it is that both these contingencies would have occurred, if any real ground had been given for the persuasion that the British Government intended to identify itself with proselytism. And it is the honest conviction of your Petitioners that any serious apprehension of a change of policy in this respect would be likely to be followed, at no distant period, by a general rising throughout India.

That your Petitioners have seen with the greatest pain the demonstrations of indiscriminate animosity towards the Natives of India, on the part of our countrymen in India and at home, which have grown up since the late unhappy events. They believe these sentiments to be fundamentally unjust; they know them to be fatal to the possibility of good government in India. They feel that if such demonstrations should continue, and especially if weight be added to them by legislating under their supposed influence, no amount of wisdom and forbearance on the part of the Government will avail to restore that confidence of the governed in the intentions of their rulers without which it is vain even to attempt the improvement of the people.

That your Petitioners cannot contemplate without dismay the doctrine now widely promulgated that India should be administered with an especial view to the benefit of the English who reside there; or that in its administration any advantage should be sought for Her Majesty's subjects of European birth, except that which they will necessarily derive from their superiority of intelligence, and from the increased prosperity of the people, the improvement of the productive resources of the country, and the extension of commercial intercourse. Your Petitioners regard it as the most honourable characteristic of the government of India by England, that it has acknowledged no such distinction as that of a dominant and a subject race; but has held that its first duty was to the people of India. Your Petitioners feel that a great portion of the hostility with which they are assailed, is caused by the belief that they are peculiarly the guardians of this principle, and that so long as they have any voice in the administration of India, it cannot easily be infringed. And your Petitioners will not conceal their belief that their exclusion from any part in the Government is likely, at the present time, to be regarded in India as a first successful attack on that principle.

That your Petitioners, therefore, most earnestly represent to your [Lordships'] Honourable House, that even if the contemplated change could be proved to be in itself advisable, the present is a most unsuitable time for entertaining it; and they most strongly and respectfully urge on your [Lordships'] Honourable House the expediency of at least deferring any such change until it can be effected at a period when it would not be, in the minds of the people of India, directly connected with the recent calamitous events, and with the feelings to which those events have either given rise or have afforded an opportunity of manifestation. Such postponement, your Petitioners submit, would allow time for a more mature consideration than has yet been given, or can be given in the present excited state of the public mind, to the various questions connected with the organization of a Government for India; and would enable the most competent minds in the nation calmly to examine whether any new arrangement can be devised for the home Government of India uniting a greater number of the conditions of good administration than the present; and, if so, which among the numerous schemes which have been, or may be, proposed, possesses those requisites in the greatest degree.

That your Petitioners have always willingly acquiesced in any changes which, after discussion by Parliament, were deemed conducive to the general welfare, although such changes may have involved important sacrifices to themselves. They would refer to their partial relinquishment of trade in 1813; to its total abandonment and the placing of their Commercial Charter in abeyance, in 1833; to the transfer to India of their commercial assets, amounting to £15,858,000, a sum greatly exceeding that ultimately repayable to them in respect of their capital; independent of territorial rights and claims; and to their concurrence, in 1853, in the measure by which the Court of Directors was reconstructed, and reduced to its present number. In the same spirit, your Petitioners would most gladly co-operate with Her Majesty's Government in correcting any defects which may be considered to exist in the details of the present system; and they would be prepared, without a murmur, to relinquish their trust altogether, if a better system for the control of the Government of India can be devised. But, as they believe that in the construction of such a system there are conditions which cannot, without the most dangerous consequences be departed from, your Petitioners respectfully and deferentially submit to the judgment of your [Lordships'] Honourable House their view of those conditions; in the hope that if your [Lordships'] Honourable House should see reason to agree in that view, you will withhold your legislative sanction from any arrangement for the government of India which does not fulfil the conditions in question in at least an equal degree with the present.

That your Petitioners may venture to assume that it will not be proposed to vest the home portion of the administration of India in a Minister of the Crown, without the adjunct of a Council composed of statesmen experienced in Indian affairs. Her Majesty's Ministers cannot but be aware that the knowledge necessary for governing a foreign country, and in particular a country like India, requires as much special study as any other profession, and cannot possibly be possessed by any one who has not devoted a considerable portion of his life to the acquisition of it.

That in constituting a body of experienced advisers to be associated with the Indian Minister, your Petitioners consider it indispensable to bear in mind that this body should not only be qualified to advise the Minister, but also, by its advice, to exercise, to a certain degree, a moral check. It cannot be expected that the Minister, as a general rule, should himself know India; while he will be exposed to perpetual solicitations from individuals and bodies, either entirely ignorant of that country, or knowing only enough of it to im-

pose on those who know still less than themselves, and having very frequently objects in view other than the interests or good government of India. The influences likely to be brought to bear on him through the organs of popular opinion will, in the majority of cases, be equally misleading. The public opinion of England, itself necessarily unacquainted with Indian affairs, can only follow the promptings of those who take most pains to influence it, and these will generally be such as have some private interest to serve. It is, therefore, your Petitioners submit, of the utmost importance that any Council which may form a part of the Home Government of India should derive sufficient weight from its constitution, and from the relation it occupies to the Minister, to be a substantial barrier against those inroads of self-interest and ignorance in this country from which the Government of India has hitherto been comparatively free, but against which it would be too much to expect that Parliament should of itself afford a sufficient protection.

That your Petitioners cannot well conceive a worse form of government for India than a Minister with a Council whom he should be at liberty to consult or not at his pleasure, or whose advice he should be able to disregard, without giving his reasons in writing, and in a manner likely to carry conviction. Such an arrangement, your Petitioners submit, would be really liable to the objections, in their opinion, erroneously urged against the present system. Your Petitioners respectfully represent that any body of persons associated with the Minister, which is not a check, will be a screen. Unless the Council is so constituted as to be personally independent of the Minister, unless it feels itself responsible for recording an opinion on every Indian subject, and pressing that opinion on the Minister, whether it is agreeable to him or not; and unless the Minister, when he overrules their opinion, is bound to record his reasons, their existence will only serve to weaken his responsibility, and to give the colourable sanction of prudence and experience to measures in the framing of which those qualities have had no share.

That it would be vain to expect that a new Council could have as much moral influence, and power of asserting its opinion with effect, as the Court of Directors. A new body can no more succeed to the feelings and authority which their antiquity and their historical antecedents give to the East India Company, than a legislature under a new name, sitting in Westminster, would have the moral ascendancy of the Houses of Lords and Commons. One of the most important elements of usefulness will thus be necessarily wanting in any newly constituted Indian Council, as compared with the present.

That your Petitioners find it difficult to conceive that the same independence in judgment and act, which characterizes the Court of Directors, will be found in any Council all of whose Members are nominated by the Crown. Owing their nomination to the same authority, many of them probably to the same individual Minister, whom they are appointed to check, and looking to him alone for their re-appointment, their desire of recommending themselves to him, and their unwillingness to risk his displeasure by any serious resistance to his wishes, will be motives too strong not to be in danger of exercising a powerful and injurious influence over their conduct. Nor are your Petitioners aware of any mode in which that injurious influence could be guarded against, except by conferring the appointments, like those of the Judges, during good behaviour; which, by rendering it impossible to correct an error once committed, would be seriously objectionable.

That your Petitioners are equally unable to perceive how, if the controlling body is entirely nominated by the Minister, that happy independence of Parliamentary and party influence, which has hitherto distinguished the administration of India and the appointment to situations of trust and importance in that country, can be expected to continue. Your Petitioners believe that in no Government known to history have appointments to offices, and especially to high offices, been so rarely bestowed on any other considerations than those of personal fitness. This characteristic, but for which in all probability India would long since have been lost to this country, is, your Petitioners conceive, entirely owing to the circumstance that the dispensers of patronage have been persons unconnected with party, and under no necessity of conciliating Parliamentary support; that, consequently, the appointments to offices in India have been, as a rule, left to the unbiassed judgment of the local authorities; while the nominations to the civil and military services have been generally bestowed on the middle classes, irrespective of political considerations, and, in a large proportion, on the relatives of persons who had distinguished themselves by their services in India.

That your Petitioners, therefore, think it essential that at least a majority of the Council which assists the Minister for India with its advice, should hold their seats independently of his appointment.

That it is, in the opinion of your Petitioners, no less necessary that the order of the transaction of business should be such as to make the participation of the Council in the administration of India a substantial one. That to this end, it is, in the opinion of your Petitioners, indispensable that the despatches to India should not be prepared by the Minister and laid before the Council, but should be prepared by the Council and submitted to the Minister. This would be in accordance with the natural and obvious principle that persons chosen for their knowledge of a subject should suggest the mode of dealing with it, instead of merely giving their opinion on suggestions coming from elsewhere. This is also the only mode in which the members of the Council can feel themselves sufficiently important or sufficiently responsible to secure their applying their minds to the subjects before them. It is almost unnecessary for your Petitioners to observe, that the mind is called into far more vigorous action by being required to propose than by merely being called on to assent. The Minister has necessarily the ultimate decision. If he has also the initiative, he has all the powers which are of any practical moment. A body whose only recognized function was to find fault, would speedily let that function fall into desuetude. They would feel that their co-operation in conducting the government of India was not really desired; that they were only felt as a clog on the wheels of business. Their criticism on what had been decided without their being collectively consulted would be felt as importunate, as a mere delay and impediment; and their office would

probably be seldom sought but by those who were willing to allow its most important duties to become nominal.

That with the duty of preparing the despatches to India, would naturally be combined the nomination and control of the home establishments. This your petitioners consider absolutely essential to the utility of the Council. If the officers through whom they work are in direct dependence upon an authority higher than theirs, all matters of importance will in reality be settled between the Minister and the subordinates, passing over the Council altogether.

That a third consideration, to which your Petitioners attach great importance, is, that the number of the Council should not be too restricted. India is so wide a field, that a practical acquaintance with every part of its affairs cannot be found combined in any small number of individuals. The Council ought to contain men of general experience and knowledge of the world ; also men specially qualified by financial and revenue experience, by judicial experience, diplomatic experience, military experience. It ought to contain persons conversant with the varied social relations and varied institutions of Bengal, Madras, Bombay, the North Western Provinces, the Punjab, and the Native States. Even the present Court of Directors, reduced as it is in numbers by the Act of 1853, does not contain all the varieties of knowledge and experience desirable in such a body. Neither, your Petitioners submit, would it be safe to limit the number to that which would be strictly sufficient, supposing all the appointments to be the best possible. A certain margin should be allowed for failures, which, even with the most conscientious selection, will sometimes occur. Your Petitioners, moreover, cannot overlook the possibility that, if the nomination takes place by Ministers at the head of a political party, it will not always be made with exclusive reference to personal qualifications ; and it is indispensable to provide that such errors or faults in the nominating authority, so long as they are only occasional, shall not seriously impair the efficiency of the body.

That while these considerations plead strongly for a body not less numerous than the present, even if only regarded as advisers of the Minister, their other office, as a check on the Minister, forms, your Petitioners submit, a no less forcible objection to any considerable reduction of the present number. A body of six or eight will not be equal to one of eighteen, in that feeling of independent self-reliance which is necessary to induce a public body to press its opinion on a Minister to whom that opinion is unacceptable. However unobjectionably in other respects so small a body may be constituted, reluctance to give offence will be likely, unless in extreme cases, to be a stronger habitual inducement in their minds than the desire to stand up for their convictions.

That if, in the opinion of your [Lordships'] Honourable House, a body can be constituted which unites the above enumerated requisites of good government in a greater degree than the Court of Directors, your Petitioners have only to express their humble hope that your endeavours for that purpose may be successful. But if, in enumerating the conditions of a good system of home government for India, your Petitioners have in fact enumerated the qualities possessed by the present system, then your Petitioners pray that your [Lordships'] Honourable House will continue the existing powers of the Court of Directors.

That your Petitioners are aware that the present Home Government of India is reproached with being a double Government ; and that any arrangement by which an independent check is provided to the discretion of the Minister will be liable to a similar reproach. But they conceive that this accusation originates in an entire misconception of the functions devolving on the Home Government of India, and in the application to it of the principles applicable to purely executive departments. The Executive Government of India is, and must be, seated in India itself. The Court of Directors is not so much an executive as a deliberative body. Its principal function, and that of the Home Government generally, is not to direct the details of administration, but to scrutinize and revise the past acts of the Indian Government ; to lay down principles, and issue general instructions for their future guidance, and to give or refuse sanction to great political measures, which are referred home for approval. These duties are more analogous to the functions of Parliament, than to those of an Executive Board : and it might almost as well be said that Parliament, as that the Government of India, should be constituted on the principles applicable to Executive Boards. It is considered an excellence, not a defect, in the constitution of Parliament, to be not merely a double but a triple Government. An executive authority, your Petitioners submit, may often with advantage be single, because promptitude is its first requisite. But the function of passing a deliberate opinion on past measures, and laying down principles of future policy, is a business which, in the estimation of your Petitioners, admits of, and requires the concurrence of more judgments than one. It is no defect in such a body to be double, and no excellence to be single; especially when it can only be made so by cutting off that branch of it which by previous training is always the best prepared, and often the only one which is prepared at all, for its peculiar duty.

That your Petitioners have heard it asserted that, in consequence of what is called the double Government, the Indian authorities are less responsible to Parliament and the nation, than other departments of the government of the Empire, since it is impossible to know on which of the two branches of Home Government the responsibility ought to rest. Your Petitioners fearlessly affirm, that this impression is not only groundless, but the very reverse of the truth. The Home Government of India is not less, but more responsible, than any other branch of the administration of the State ; inasmuch as the President of the Board of Commissioners, who is the Minister for India, is as completely responsible as any other of Her Majesty's ministers, and in addition, his advisers also are responsible. It is always certain, in the case of India, that the President of the Board of Commissioners must have either commanded or sanctioned all that has been done. No more than this, your Petitioners submit, can be known in the case of the head of any department of Her Majesty's Government. For it is not, nor can it rationally be supposed, that any Minister of the Crown is without trusted advisers ; and the Minister for India must, for obvious reasons, be more dependent than any other of Her Majesty's Ministers, upon the advice of persons whose lives have been devoted to the subject on

which their advice has been given. But in the case of India, such advisers are assigned to him by the constitution of the Government, and they are as much responsible for what they advise as he for what he ordains: while in other departments the Minister's only official advisers are the subordinates in his office—men often of great skill and experience, but not in the public eye; often unknown to the public even by name; official reserve precludes the possibility of ascertaining what advice they give, and they are responsible only to the Minister himself. By what application of terms this can be called responsible government, and the joint government of your Petitioners, and the India Board an irresponsible Government, your Petitioners think it unnecessary to ask.

That without knowing the plan on which Her Majesty's Ministers contemplate the transfer to the Crown of the servants of the Company, your Petitioners find themselves unable to approach the delicate question of the Indian Army, further than to point out that the high military qualities of the officers of that army have unquestionably sprung in a great degree from its being a principal and substantive army, holding Her Majesty's commissions and enjoying equal rank with Her Majesty's officers, and your Petitioners would earnestly deprecate any change in that position.

That your Petitioners, having regard to all these considerations, humbly pray your Honourable House, that you will not give your sanction to any change in the constitution of the Indian Government during the continuance of the present unhappy disturbances, nor without a full previous inquiry into the operations of the present system. And your Petitioners further pray that this inquiry may extend to every department of Indian administration. Such an inquiry your Petitioners respectfully claim, not only as a matter of justice to themselves, but because, when, for the first time in this century, the thoughts of every public man in the country are fixed on India, an inquiry would be more thorough, and its results would carry much more instruction to the mind of Parliament and of the country, than at any preceding period.

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